

MODERN EUROPEAN PHILOSOPHY

# HEGEL'S CONCEPT OF ACTION

MICHAEL QUANTE

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*Hegel's Concept of Action* is an important gateway through which professional analytic philosophers and their students can come to understand the significance of Hegel's philosophy to contemporary theory of action. As such, it will contribute to the ever-increasing erosion of the sterile barrier between the continental and analytic approaches to philosophy.

Michael Quante has written the first book to focus on what Hegel has to say about such central concepts as action, person, and will, and then to bring these views to bear on contemporary debates in analytic philosophy. Clearly and crisply written, this book thus addresses the common set of preoccupations of both analytic philosophers of mind and action and Hegel specialists.

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Whoever has not thought himself,  
Is not free.

G. W. F. Hegel

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## PREFACE TO THE ENGLISH EDITION

When I began outlining this book twelve years ago, there was little interest in Hegel among analytic philosophers in Germany, England, and the United States. I also quickly realized that Hegel researchers in Germany (at least the orthodox ones) were not inclined to engage in the debates and research results of analytic philosophy. Therefore, my motivating belief – that a dialogue between Hegelian and analytic philosophy would be fruitful for both sides – found little favor on either side.

In analytic circles, Hegel texts – which are admittedly difficult even for German readers – were taken to be incomprehensible, and his philosophical assumptions written off as simply obscure. This situation has fundamentally changed in the last decade. Robert Brandom and John McDowell, important representatives of contemporary analytic philosophy, have undertaken to draw productive systematic connections with Hegel's philosophy. The publications of Brandom and McDowell up to this point admittedly contain only rather general connections to Hegel's work; detailed analyses of, and confrontations with, Hegel's writings are still lacking from the side of analytic philosophy. Nonetheless, these thinkers have succeeded in awakening interest in Hegel's philosophy within analytic circles, and have weakened the *a priori* suspicion of meaningless to such an extent that a constructive dialogue between the two philosophical traditions can now be opened.<sup>1</sup> But such a dialogue can, in my opinion, only be meaningful and successful when

1 On the relationship between Hegel's metaphysics and John McDowell's work, I have attempted in Quante 2002 to illustrate important points of contact, and also to show material differences in the basic assumptions of the two philosophical conceptions; cf. also on this point, Halbig 2002.

one engages in detailed and systematically oriented interpretations of central Hegelian texts and concepts.

The orthodox Hegelians, on the contrary, were and are in the grip of the prejudice that analytic philosophy is entirely inappropriate for a productive dialogue with Hegel's philosophy. Their misunderstanding of the situation is already evident in their criticism that analytic philosophy lacks knowledge of Hegel's thought: No distinction is made between analytic philosophy as a *method* of philosophy, and analytic philosophy as a set of specific philosophical dogmas, such as scientism or naturalism. If one understands analytic philosophy simply as a position with a certain content, then it is of course difficult to see how Hegel can be brought into a fruitful conversation with analytic philosophy. But such a view of analytic philosophy is, and remains, even if it does properly criticize some aspects, short-sighted.

If instead one places the focus, as I do in this book, on the methodological aspect of analytic philosophy, then one can be guided by its methodological self-understanding and ideals. With this orientation, setting Hegel's texts and the works of analytical philosophy in relation to each other can be informative for both sides. Because of the great distance between the Hegelian terminology and the conceptual framework of analytical philosophy, an interpretive "translation" of the two philosophical idioms into each other must proceed with great caution.<sup>2</sup> The translation must be substantiated in detail in order to have the chance of being convincing: The mutual strangeness of the theories demands that analyses be carried out in small steps.<sup>3</sup>

Because of the developments over the last ten years, the way that I approach Hegel's work in this book has perhaps a greater chance of finding approval today. The theme I treat here deserves, now as before, an examination of its own. In researching this book, I quickly realized that there were hardly any commentators who thoroughly engaged Hegel's concept of action. Because of the huge number of works in the Hegel literature in general, and in Hegel's practical philosophy in particular, I found this result surprising. Not only had the connection of Hegel's

<sup>2</sup> I should note that a translation depicts a symmetrical relation. In this book, I am not out simply to measure Hegel's insights one-sidedly by the standards of analytic action-theory. My goal is rather to allow the achievements of both conceptions to mutually enlighten each other, and to better understand the phenomenon investigated in both conceptions – namely, human action.

<sup>3</sup> The reader must decide for himself whether my analysis of Hegel's concept of action satisfies this demand.



action-theory to analytic action-theory not yet been discussed, a fact that ten years ago was not all that surprising. But the concept of action itself, which Hegel explicitly introduced in his philosophy of right,\* had largely escaped the attention of the commentators – and this was, given its importance for Hegel's *Philosophy of Right*, completely astonishing. This situation also meant that my guiding idea – that Hegel's concept of action would be especially appropriate for rendering transparent the systematic construction of the Morality chapter – fell into an interpretive no-man's land. Only the arguments presented in this book can show whether this thesis – the heart of my interpretation – is convincing. It remains the case that even in the last decade, very few works have appeared that engage Hegel's concept of action. Most of them proceed not within action-theory in general (as this book does), but rather remain – following Hegel's procedure and self-understanding – in the context of practical philosophy. These investigations either further limit themselves to an immanent reconstruction of Hegel's texts, or they choose another contact point for the systematic translation. Therefore, the interpretive claims in this book have not been overtaken or rendered superfluous by recent scholarship.<sup>4</sup>

For this reason, I have refrained from adding remarks to the English edition that would bring the text up to date. This would have remained, first, external to the argumentation; second, there would not have been enough room to do justice to the works of the last ten years. Since I also have found through recent lectures no reason to alter my interpretive claims, the text of the German edition appears here in unaltered form.<sup>5</sup>

Special thanks goes to my teacher, Ludwig Siep. Without his open-mindedness, it certainly would have been impossible to write this book. Through his intensive and always solicitous advice, he has encouraged me, during my student days and afterward, to search for my own philosophical path to Hegel and to philosophy in general.

\* Translator's note (always indicated with an \*): When "philosophy of right" appears without capitals or italics, it refers to Hegel's social and political theory in general, rather than to the specific text whose title is abbreviated with that name.

4 The most important literature known to me in the time since this work's first appearance are Alessio 1996, Amengual 2001, Menegoni 1993 and 1997, Peperzak 2001, chapter 6, and Schmidt am Busch 2002.

5 I would like to use this opportunity to indicate two articles in which I have thoroughly dealt with aspects that could not take center stage in this book. In Quante 1997/2003, there is a detailed analysis of the concept of the person in Hegel's *Philosophy of Right*; and in Quante 1997, I have attempted to bring Hegel's theory of the will into conversation with the contemporary analytic discussion of the concept of autonomy.

I would also like to thank Peter Rohs, who has been a constant discussion partner through all his years teaching at Münster. His critical advice has always forced me to clarify my thoughts and to bring them to expression.

In the cooperative atmosphere of the Philosophischen Seminar in Münster, one is never condemned for following one's own philosophical project as a solitary thinking being. For the many suggestions for improvement in the development of this work, I would like to thank Gabriel Amengual, Achim Engstler, Barbara Merker, Georg Mohr, Gabriele Santel, and Marcus Willaschek. For many lively discussions about Hegel in the years between the appearance of the German and the English editions, I would like to thank Christoph Halbig and Hans-Christoph Schmidt am Busch.

I would also like to thank Robert Pippin for his energetic support of my wish to publish an English edition of this book, and for his readiness to include it in his series.

Thanks are also due to Dean Moyer for the effort of translating a German work on Hegel into English with both clarity of expression and fidelity to the original content. Special thanks to Ronald Cohen for his considerable skill in editing the manuscript and for his many suggestions that have made the book more useful to the reader.

Finally, I would like to express my gratitude to the foundation *Inter Nationes* for its generous support in financing the translation of this work.

## ABBREVIATIONS USED IN THE TEXT

In this book, I quote Hegel's texts using the following abbreviations (a complete bibliographical entry, including the translations used, is given in the references under Hegel):

- R Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse
- E Enzyklopädie der philosophischen Wissenschaften im Grundrisse (1830)
- HE Enzyklopädie der philosophischen Wissenschaften im Grundrisse
- L Wissenschaft der Logik
- SL Wissenschaft der Logik. Erster Band. Die objective Logik. Das Sein (1812)
- Hom Die Philosophie des Rechts. Die Mitschrift Homeyer (Berlin 1818/1819)
- Wan Die Philosophie des Rechts. Die Mitschrift Wannenmann (Heidelberg 1817/1818)
- Il Vorlesungen über Rechtsphilosophie (1818–1831)

I quote passages from the *Philosophy of Right* using R and the corresponding paragraph number. An "R" following the number of the paragraph

indicates Hegel's handwritten marginal notes, and a "Z" following the number of the paragraph indicates the spoken additions that were added to the *Freundeskreisausgabe* by the editors (for example, R §96R) for the marginal note to paragraph 96 of the *Philosophy of Right*.

Passages from the *Nachschriften* of Wannenmann and Homeyer are quoted according to the abbreviations and the corresponding paragraphs. The same holds for the first edition of the *Encyclopedia*. The third edition of the *Encyclopedia* is also quoted with the abbreviation and the paragraph number, and the "Z" following the number indicates the spoken additions that were added to the *Freundeskreisausgabe* by the editors.

The first edition of the *Logic of Being* is quoted with the abbreviation and the page number (for example, SL 55 for page 55), while the complete edition of the *Science of Logic* is quoted with the abbreviation, roman numeral for the volume, and the page number (for example, LII 325) for *Science of Logic*, Volume 2, page 325).

The *Lectures on the Philosophy of Right* are also quoted with the abbreviation, roman numeral for the volume, and page number (for example, II IV p. 333) for Volume IV, page 333 of the *Lectures*).

All other texts are quoted with the name of the author and the year of the edition used. Generally, the emphases in the quotes are mine, and emphases in the original are not reproduced. Cases in which I depart from this rule are always indicated. I have also indicated grammatical adjustments. The orthography is always taken from the source that I used.

An "M" following a quote from the *Science of Logic* indicates the translation by Miller cited in the references. All other translations of Hegel's texts are also given in the references, but since they share the same section numbers, the translations have not been specifically indicated in the citations.

All quotations of Hegel's marginal notes to the *Philosophy of Right* have been translated by Dean Moyar, as have all quotations from German-language commentaries. It should be noted that the marginal notes are seldom written in complete sentences, so that the abbreviated style of the translations reflects the syntax of the original.

## INTRODUCTION

The volume of literature devoted to Hegel might lead one to suspect that the central concepts, theses, and insights of his philosophy have been exhaustively explicated. It is therefore surprising that there remain significant gaps in the scholarship, gaps in areas not only of historical interest, or on questions internal to the system, but rather concerning fundamental concepts of Hegel's philosophy itself. Just such a gap seems to me to exist with the concept of *action*. Although action is explicitly introduced in a prominent place in Hegel's system – namely, in the Morality chapter of the *Elements of the Philosophy of Right*<sup>1</sup> – there are hardly any contributions to the scholarship that investigate Hegel's action-theoretic premises and the insights underlying his concept of action. This is surprising for at least three reasons. First, the text of the *Philosophy of Right* shows that Hegel does not use his concept of action simply in the everyday sense; his aim is to unpack the concept philosophically. Second, action-theoretic problems have been thoroughly examined in the last forty years of analytic philosophy. Much progress has been made in the field that can help to explicate Hegel's thought.<sup>2</sup> Further, this omission in the scholarship is amazing because Hegel's social philosophy, ethics, and critique of morality have always stood at the center of interest in his thought. But it is highly improbable that these parts of Hegel's philosophy are independent of his concept of action. That was at least – and on this point

1 In the text, I use *Philosophy of Right* to refer to this work.

2 When I speak in this book of “action-theory,” I do not mean a specific position, but rather the entire sub-discipline of analytic philosophy.

I concur – the opinion of the first commentator on Hegel’s Morality chapter:

Before the content of moral action is developed, the nature of action itself has to be examined.<sup>3</sup>

Michelet, whose commentary on the Morality chapter of the *Philosophy of Right* has unjustly been almost forgotten, had at his disposal only the action-theoretic meditations of Aristotle as a point of reference (in addition, of course, to the logic internal to the system of Hegel’s philosophy). I can, by contrast, draw on a much broader range of methods and philosophical positions.

### Two Research Areas of Modern Action-Theory

In the debate about action-theoretic questions, a debate that has become increasingly prominent in recent years, two central problem areas can be identified: They are demarcated with the terms “justification of action” and “explanation of action.” Philosophical problems raised by our praxis of justification of actions include the clarification of the concepts “attribution” or “intentionality,” and the analysis of the description-dependence of actions. Problems that arise through our praxis of explanation of action are the status of descriptions of action (causal explanations or not?), the status of reasons (events?), and the connection of actions and bodily movements. Authors who primarily devote themselves to the research area of justification of action consider description-dependence to be especially central, whereas authors who want to analyze the status of the explanation of actions have focused on the event-character of actions. But both directions of inquiry are oriented by central problems in the analysis of action and in determining the conceptual framework with which we describe actions.

Hegel, as one might already suspect from the place where he chose to introduce the concept of action, dealt primarily with the problem of the justification of action. One finds in his philosophy of right, analyses of attribution and justification that are motivated by an interest in sorting out the difficulties of the description-dependence of actions with regard

<sup>3</sup> Michelet 1828, p. 17 f. On the method of citation, see my remarks in the list of abbreviations used.

to their evaluation. This book will therefore deal predominantly with this research area.

### The Theses and Claims of this Book

The book was written out of a strong thematic interest in action-theoretic questions, but is primarily intended to elucidate a central concept of Hegel's philosophy. I also follow a systematic concern in that I do not interpret Hegel's argumentation in an exclusively internal manner, but rather I critically examine its actual content and explanatory worth. As much as possible, I will support Hegel's position from a systematic perspective; where it does not appear tenable to me, I have not tried to defend it on internal grounds.

Two principal theses guide this investigation: (1) I maintain that one can uncover the consistency of the logical structure and argumentation of §§105-125 of the *Philosophy of Right* if one understands them as dealing with action-theoretic problems. Hegel's arguments in the Morality chapter of the *Philosophy of Right* have often been criticized both as opaque and as attempting to force together heterogeneous theoretical issues. This impression disappears when one understands his arguments as elements of a theory of action. (2) On the systematic side, I hold the thesis that Hegel succeeded in developing a theory of intentional action that foreshadows and unifies many insights of contemporary authors. Hegel analyzed – as today, for example, Castañeda does – the specific logical form of knowledge of action as a “first-person proposition,” and thereby grasped an important characteristic of freely chosen intentions. He further distinguished – as, for example, Anscombe and Davidson do – the event-aspect from the description-aspect of actions. This allows Hegel to keep appropriately separate questions of event-causality and attribution. In addition, he succeeds in logically distinguishing and specifying different kinds of intentions (and the matter thereof). Hegel thereby anticipates the insights of Anscombe and Goldman, as well as approaches that are now being developed in a kind of action-theory that I will call action-plan theory (Goldman, Brand, or Bratman). It should be kept in mind that Hegel was in a position – by virtue of his philosophical concepts and method – to grasp the central insights of action theory and to integrate them into *one* approach. An important result for current philosophers, then, is that Hegel's action-theory contains elements that are often – with the exception of Castañeda – neglected today. A

dialogue with Hegel's action-theory should therefore be systematically fruitful for contemporary approaches.

The theme of this book is limited to the question of Hegel's concept of action. There are several problem areas that border on this concept, but they cannot all be investigated here. Thus, for example, I will only sketch (in the concluding comments) the aspects of Hegel's dissolution of the mind-body problem that are relevant for action-theory. So too I can only interpret his theory of the will to the extent that it is immediately relevant to my central question. Likewise, I will not thematize questions in political philosophy and ethics: Action theory will be understood in this book as a discipline of theoretical philosophy. For that reason, I will almost completely leave out considerations arising from the context – namely, political philosophy – of Hegel's argument.<sup>4</sup>

### On the Question of Hegel's System

Anyone who undertakes an analysis of Hegel's philosophy with a certain question in mind, and hence picks out a partial aspect of the theory, unavoidably faces the problem of coming to terms with the systematic character of Hegel's thought. Like perhaps no other philosopher, Hegel anchored his basic ideas in the System and its conceptual framework. His method of argumentation and presentation is also not detachable from his fundamental premises.<sup>5</sup> For that reason, I will briefly explain how I deal in this book with this difficulty.

All the central concepts, and the justificatory strength of the dialectical argumentation on which Hegel relies, are derived from logic. Hartmann's sentence is thus still valid: "Without interpreting it [the logic/M. Quante] all study of Hegel is nonsense."<sup>6</sup> Nonetheless, in this book I do not make Hegel's logic an object of investigation. I relate the conceptual framework of the *Philosophy of Right* to Hegel's logic in order to unfold the meaning internal to the system as accurately as possible.<sup>7</sup> I will not, however, attempt to justify Hegel's speculative method, so

4 This context certainly belongs to the most thoroughly researched areas of Hegel's philosophy. It should also be noted that Hegel himself would not have agreed without reservation to my procedure: For him the concept of action should be explicated within the realm of practical philosophy.

5 Compare on this problem, Fulda 1989.

6 Hartmann 1957, p. 216.

7 In my understanding of Hegel's logic, I follow the results of Düsing 1984, Fulda 1989a, Henrich 1976 and 1978, Horstmann 1990, and Siep 1991.



I do not invoke it as an argumentative basis for Hegel's statements. I have instead constantly attempted to support Hegel's theses through arguments won from the phenomena and grounded in matters of fact. Only in the portrayal of Hegel's argumentative structure will his logic be used as a kind of "universal currency" of explanation. My systematic justification of Hegel's action-theory, on the other hand, does not rely on his System. This approach to Hegel's dialectical method offers the advantage that even a reader who has no confidence in Hegel's method can follow the content of the arguments of Hegel's action-theory.

### A Guide for Reading the Text

Parts I and II are conceived so that they can be read independently of each other. Part I, in which I relate Hegel's arguments to action-theoretic problems, can serve as a commentary on §§104-113 of the *Philosophy of Right*. In Part II, the structure of Hegel's text is no longer used as the guide; there, systematic questions of action-theory stand at the forefront of the discussion. Even so, this part can also serve as a commentary on §§114-125.

Part I deals with Hegel's theory of the subjective will, examining those aspects containing action-theoretic claims. I first specify the conceptual presuppositions from which Hegel starts (Chapter 1). I then analyze the specific form of the subjective end (Chapter 2). The intentionality of free and attributable action rests on this specific form of the subjective end. After a summary of the results of Part I (Chapter 3), I deal in Part II with Hegel's concept of action. First, I specify the general category of action-theory (Chapter 4), highlighting the relationship between causation and attribution and the various modes of description of an action. After the explication of the form of action, I investigate Hegel's statements relating to "that which is aimed at" [*das Worumwillen*] in human action (Chapter 5). With this analysis of the content of action, I thematize both the rationality of action and the relationship of action and morality. In the Conclusion, Part III, I summarize the results of my investigation and sketch an interpretation of Hegel's dissolution of the mind-body problem, one that is compatible with the interpretation of Hegel's action-theory presented here.

The central question of this investigation provides two interpretive advantages: First, it allows, by means of a special and philosophically central problem, a wide-ranging view of Hegel's philosophy. Second, it allows a reconstruction of his action-theory that is largely independent

of his onto-theological and methodological premises. For that reason I agree with Taylor:

Of course, for any highly systematic body of thought like Hegel's we can reconstruct the whole from many perspectives. Each one gives us something, though some are more illuminating than others. I believe that looking at Hegel's thought from the angle of the underlying conception of action provides one of the more interesting perspectives on the whole.<sup>8</sup>

I am convinced, then, that looking at Hegel's action-theory is not only a "more interesting perspective" on his philosophy; rather, it reveals a systematically fertile part of Hegel's philosophy.

8 Cf. Taylor 1983, p. 1.

## PART I

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### THE SUBJECTIVE WILL

In §113 of the *Philosophy of Right*, Hegel introduces the concept of “action”: He specifies action as “The expression of the will as *subjective* or *moral*” (R §113). He continues, “Only with the expression of the moral will do we come to *action*” (ibid. – Hegel’s emphases). The first statement declares *each* expression of the subjective moral will to be an action; the statement provides a *sufficient* condition for an event’s being an action. The second statement claims that *only* the expression of the subjective moral will is action. There is *no* action that is not the expression of the subjective or moral will. This second statement thus names a *necessary* condition for an event’s being an action. It is clear from these two statements, taken together, that Hegel claims “expression of the moral or subjective will” to be the necessary *and* sufficient condition for an event belonging to the determination “action.”

Hegel justifies this introduction of the concept of “action” by claiming that the action contains

The [previously] expounded determinations: ( $\alpha$ ) it must be known by me in its externality as mine; ( $\beta$ ) its essential relation to the concept is one of obligation [*Sollen*]; and ( $\gamma$ ) it has an essential relation to the will of others. (R §113)

This justification, which I will interpret in the course of this book, refers back to the conceptual development of the subjective will that Hegel “expounded” in §§104–112. The justification assumes that the determinations of the “subjective will” developed in those sections form the basis for the determinations that belong to action – and thus for those determinations that constitute the content of the concept of “action.” In order to gain a more precise understanding of the three determinations of action given by Hegel in the quotation just given, an analysis

of the conceptual development preceding this passage is necessary. In §113, in which Hegel introduces the concept of “action,” he also clearly separates action from the relationships of will that have already been developed in the sphere of Abstract Right. He emphasizes that only now can we speak of actions, since even the “legal action (*actio*)” that had been thematized in the section “Coercion and Crime” contains “only some of the moments of moral action proper” (R §113). It also “contains” these moments, as Hegel himself emphasizes, only “*in an external manner*,” because “that aspect of the action which makes it moral in the proper sense is therefore distinct from its legal side” (*ibid.*).<sup>1</sup>

Hegel’s strategy provides the fundamental orientation for this book. The tight connection of “action” and “expression of the subjective or moral will” justifies beginning an investigation of Hegel’s concept of action with an analysis of the “subjective will.” Further, his own separation of action from the sphere of Abstract Right permits one to restrict the investigation to the Morality chapter. The structure of this chapter, the second part of the *Philosophy of Right*, guides the structure of the first part of my book, which is oriented directly by the structure of Hegel’s text. In §§105–114, Hegel explicates the logical<sup>2</sup> structure of the will, which then serves as the conceptual basis for the entire sphere of Morality. In other words, he explicates the speculative logical structure of Morality as a shape<sup>3</sup> of the will. The thesis that I will defend in this investigation claims that the first two sections of the Morality chapter can be understood as explications of the different aspects and problems

1 It is already evident here that Hegel assumes that an event can be described from different *perspectives*, and that it can be considered an action from one of these perspectives, whereas from another perspective it is, for example, *actio*. The choice of perspective is pragmatically settled through the function that the *description* of the event in question is supposed to have. The concept “description” thereby includes not only speech-acts, but rather should be understood broadly enough to include both the belief of the agent (the self-understanding of the agent at the time of the deed) and the understanding of a third-person who observes the event. Chisholm provides a terminological introduction to the concept “under a description” (a concept that in contemporary debates in action-theory is usually used without definition) in Chisholm 1981, p. 33. Compare also the comments in Davidson 1985, p. 275 f, especially p. 278.

2 In both main parts of this investigation, “logical” always means speculatively logical in Hegel’s sense.

3 “Shape” [*Gestalt*] signifies that the existence<sub>D</sub> currently in question can be understood as an existence<sub>D</sub> internally determined through the conceptual structure. [The subscript “D” next to “existence” indicates the German “*Dasein*” as opposed to “*Existenz*.”] The (onto)logical development of the concept of the will establishes the current shape in its existence<sub>D</sub>, not the external relationship to another existence<sub>D</sub>. Compare also on this point, Fulda, 1982, p. 413 f.

that mark out the phenomenon “action.” The basis for all three sections of the Morality chapter is the shape of the “subjective will” that is explicated in §§105–112. Building on this, §113 introduces the concept “action,” while in §114, Hegel grounds the further structure of the Morality chapter in that he gives the different dimensions of the concept of action.

If one looks closer at the argumentative structure and conceptual development of §§105–113, one discovers the following structure: In the first three paragraphs, the basic concepts of the shape of the subjective will are introduced. These concepts also provide the *principle* of the sphere of Morality and the logical basis for further conceptual development. The basic concepts introduced here are “subject” (in §105), “subjectivity” (in §106), and “self-determination” (in §107). Hegel subsequently characterizes the logical structure of the fundamental shape of the subjective will as “formal” (in §108), and then explicates its logical content (in §109). This formal character is the basis of the ambivalence of the development within the sphere of Morality, and serves as the most important feature of this shape of the will. It also provides the logical basis for the distinctiveness of the expressions of the subjective will (in §§110–112).

The structure of Chapter 1 of this investigation parallels Hegel’s conceptual development. I will first analyze the transition from the sphere of Abstract Right to the sphere of Morality (Section 1.1), with the aim of bringing out the further logical developments through the determination of the difference between the two spheres. The concept of *self-relationship* will be introduced to explicate Hegel’s theory. This concept, which is not taken from Hegelian philosophy, expresses the thesis that “will” in Hegel can be thought of in general as the self-relationship of a self-organizing, “self-determining” *substance*; the “shapes” of person and subject should also be understood as such self-relationships. In Section 1.2, I explicate the self-relationships “person” and “subject.” These are the principles of “Abstract Right” and “Morality,” respectively. I show that these principles find completion in their respective spheres in the further development of the will. Hegel’s thesis is that “person” is the *universal* moment of the will; the *particular* moment is the relationship of the person to property.<sup>4</sup> Here, in the unity of individuality,

4 The following terminological standard will hold throughout this book: When “property” is spoken of, the relational aspect (described here as the intention of the will of a person) is always included. Outside of such a relationship to a will, an object cannot be property. In this sense, the moment of particularity also belongs to the person, but it remains a

the universal and particular moments of the will are for the first time mediated in-themselves. This shape of the will is thus also a form of freedom being-in-itself.<sup>5</sup> This freedom manifests itself in the relationship of a person to a thing (namely, as a “free” relationship), but it is not yet given for the *relata* themselves. In the “subject,” on the other hand, the universal and particular moments of the will are internally mediated in a reflection-into-itself, so that individuality is *posited* for the will itself. On this level, freedom has become for-itself: I interpret this “for-itself” as the consciousness of freedom of the acting subject who understands his activity as the expression of free decision-making.<sup>6</sup>

mere possibility. This “possibility” itself of course belongs conceptually (“necessarily”) to the person, and therefore may not be “alienated.”

5 The “will as free intelligence” (E §481) is the basis of Objective Spirit, and will be shown in the course of the investigation to be the will in its narrower sense. In this shape “spirit (...) knows itself as free” (E §482), so that with this shape – in opposition to the will without intelligence – one can in general speak of freedom being-for-itself. But this higher shape of freedom at first enters as immediate – that is, in-itself. When I mention freedom of the will in its narrow sense, I always mean freedom being-for-itself. The further conceptual development in Objective Spirit is reached through a second tier of operators – in-itself, for-itself, and in-and-for-itself – which are then applied anew to freedom being-for-itself. According to this interpretation, Abstract Right is the in-itself of the freedom being-for-itself, while Morality is the for-itself of freedom being-for-itself. To simplify the terminology, in this book the first determination of freedom as for-itself will be left out, since in Objective Spirit it lies at the basis of all the shapes. Only in those places where misunderstandings could arise will the explicit marking be used.

6 In the *Philosophy of Right*, but also in other parts of his System, Hegel writes of freedom in different ways. In the *Philosophy of Right* alone, he distinguishes “concrete freedom” (R §129 or 141) from “formal freedom” (R §10, §22 or §123), also calling the former “actual” (R §10, §22 or §23) and the latter “subjective” freedom (R §106 or §121). He further distinguishes “freedom of choice” from the “freedom of self-determination” (exemplary for this is R §15), though he also separates the latter – because of its formal character – from actual concrete freedom. Merely subjective autonomy can, if it is brought into opposition with the ethical context of a social community, become “negative freedom” (R §5), displaying a destructive strength. Hegel’s interpretation of the French Revolution, which is at the heart of these reflections, is famous enough not to need elaboration here. Since the relevant determinations of “freedom” will be thematized in the course of this investigation, and since Hegel’s concept of freedom has already been interpreted (cf. Angehrn 1977), I would like to mention only briefly here the basic structure that always informs freedom for Hegel. The capacity for “pure self-relation” (Angehrn 1977, p. 19), which one can also call in Hegel’s terminology “being-with-oneself in otherness,” is the origin of freedom. “Freedom” therefore means for Hegel bridging the subject-object difference, a logical quality that he calls “infinity.” This self-relationship serves as the basis for personality and for the individual consciousness of freedom – both for freedom of choice and for moral autonomy. The task of exegesis is, though, to specify the exact logical place of this self-relationship inside the structure of the will. I will carry out this task in the first chapter of this book.

My thesis in explicating the logical determinations in Section 1.2 is that by distinguishing the two principles, Hegel reproduces and reinterprets the Kantian distinction between legality and morality. Section 1.3 then traces the meaning of the concept “subjectivity” and how it is used by Hegel in relation to the will. The thesis here is that Hegel understands subjectivity as self-determination, and that he explicates the concept of an agent’s free decision as a shape of this form of the will (which at the same time is the *form* of the concept overall). In light of this thesis, it should be evident that the more specific determination of “subjectivity” is directly relevant for an investigation of Hegel’s concept of action. The shape in which freedom of the will becomes for-itself remains – for reasons that Hegel derives from his speculative logic – formal. This feature – according to the thesis of Section 1.4 – is the key to Hegel’s critique of Morality in general, and is for that reason alone a highly relevant aspect of the theory. At the same time, this feature also names the basic logical model underlying the entire sphere of Morality, and *a fortiori* Hegel’s concept of action.

After Hegel’s basic concepts and crucial logical determinations have been explicated through these four steps, in Chapter 2 I investigate the consequences that Hegel himself draws from this conceptual situation. I will unpack the three determinations that Hegel names in §113 and that were developed earlier as three “distinguishing features.”

My central thesis here is that the distinctive character of the purposive activity of the subjective will is the first building block of Hegel’s theory of action, a theory that promises to deliver an account of *intentional action*. I will specify the Hegelian concepts “form,” “content,” and “subjectivity” in terms of Hegel’s logical relations, and then tie these concepts into the main theme of this work, the concept of action. More pointedly, my claim can be summarized with the thesis that Hegel’s analysis of the “distinctive determination of the identity of the content within the moral point of view of freedom being-for-itself” (cf. R §110)<sup>7</sup> can be interpreted as a logical analysis of the concept of *intentional action*. After I have, in a second step (Section 2.1), determined *intentionality* as the specific feature of free actions, I will analyze Hegel’s account of this feature (Section 2.2). Finally, I will thematize in Section 2.3 the objectification of a purpose in an action, examining this process from the viewpoint of the relationship of subjectivity and intersubjectivity. In

7 As it stands, this remark is still incomprehensible. To make it *comprehensible* is the task of Part I of this book; to make it *plausible* is the goal of the investigation as a whole.

the Chapter 3, I will recapitulate my interpretive results and take stock of the answered and unanswered questions. The points worked out in the individual sections of the first two chapters will be tied together in Chapter 3. This summation therefore will not only recapitulate the results of the investigation, but will also further the progress of my argument.



# CONCEPTUAL PRESUPPOSITIONS

## *Person and Subject*

### 1.1 The Transition from Right to Morality

“Crime and avenging justice represent the *shape* of the will’s development when it has proceeded to the distinction between the *universal* will which has being *in itself*, and the *individual* will which has being *for itself* in opposition to the universal” (R §104).<sup>1</sup> In Hegel’s view, the universal being-in-itself will is the system of the determinations of Right that constitute Abstract Right. These determinations are based on the principle of “personality,” which itself is the expression of the universal moment of the will *qua* concept. Hegel describes this universal moment with the formula “I = I,” which expresses the thinking self-relation. The subject-object difference is overcome in this self-relationship, because – as Hegel interprets the formula I = I – the copula expresses an identity of the subject with the object. This formula also expresses a thinking will’s consciousness of freedom; such a will is free from all determination and can direct itself to all possible objects. The “realizations” of this object-relationship (at the level of the in-itself) are taking-possession and the property relationship. In addition, for Hegel the formula I = I also indicates that this self-relationship is completely universal. Each thinking will stands in this relationship to itself – that is, in a relationship

1 Hegel’s theory of Right rests on the thesis that the universal moment of the will, which is expressed in the formula “I = I,” is the origin of freedom and of Right in all its shapes. At the level of the will being-in-itself, this self-relationship is mediated through “things.” The universal, being-in-itself will is identical with the sphere of Abstract Right; the universal, being-for-itself will, on the other hand, is identical with the sphere of Morality. When in the following I identify Abstract Right with the universal, being-in-itself will, I always have in mind the interplay of both aspects of the will. I choose the abbreviated expression only for reasons of presentation. This will is universal through the universal moment – that is, through thinking, or reason.

containing nothing of its individuality, of its particular will. Hegel uses this result – the interplay of the universal moment and the immediate In-itself – to support *legality* as the principle of the determination of lawfulness in the context of Abstract Right. Hegel's thesis is that the self-relationship of the will demonstrated by the formula  $I = I$  forms the conceptual basis of legality. Since this self-relationship is completely universal, the only content admitted into Abstract Right is that which can be willed universally, by all particular wills. This restriction means that the content must be able to be transferred, without contradiction, to the universality of the particular wills. This requirement is tested in the thought exercise of universalization. Hegel thus takes the Kantian universalization test to be appropriate for Abstract Right, since the basic formula expresses the universal moment of the will. Though he follows Kant's view of the fundamental relationship of Right (cf. R §29), Hegel sees in it merely a negative determination oriented by the principle of non-contradiction.

One can understand the conception of legality that Hegel attempts to ground through his theory of the will as an interpretation-schema applicable to human conduct. The universalization test provides a description of this conduct and assigns to it the predicate "allowed" or "forbidden." This principle describes the particular mode of conduct as a case of rational conduct that must follow a universalizable rule.<sup>2</sup> Such a procedure only takes into account the universal quality of the conduct; the particular perspective of the individual is left out of the picture. Throughout this book, therefore, I will take "legality" to mean simply a particular perspective on human deeds, and not any specific disposition of an agent.

The following connection holds between Abstract Right, Morality, legality, and universalizability: The procedure of universalizability is appropriate to the sphere of Abstract Right because it is adequate to the universal moment of the will. Yet, in the sphere of Morality, this procedure leads to emptiness because of the formal character of the subjective will. Whereas the test makes it possible in Abstract Right to ascribe to a specific deed the predicate "allowed" or "forbidden," this does not work for the sphere of Morality. Likewise, the universalization procedure, because of its formal character, is not applicable to the sphere of

2 At the heart of Hegel's theory is the view that the rationality of conduct can be equated with following a universalizable rule. I will go further into this premise of Hegel's action-theory in the course of this book.

Ethical Life, and therefore does not cover all rights.<sup>3</sup> So the predicates “allowed” and “forbidden,” which are assigned to a deed solely on the basis of the universalization test, should be taken to mean “allowed in the sense of Abstract Right” (analogously for “forbidden”). This formulation is sufficient because the test does not guarantee success in the sphere of Morality.<sup>4</sup>

*Terminological Definitions.* At this point, it will be helpful to define some terms in order to keep the different perspectives on human conduct conceptually distinct.<sup>5</sup>

In his philosophy of nature, Hegel describes instinct as “purposive activity effective in an unconscious way” (E §360, mod.)\*, and in the *Zusatz* to E §359, he identifies the will with the practical process generally. He also writes in the marginal notes to R §8 that the will is the “form of purpose” in general. Further, in the Teleology chapter of his *Science of Logic*, he introduces the organism as purposeful shape (cf. LII 385, M 735). It is therefore necessary to distinguish a wide and a narrow concept of the will. The wide concept of the will covers human purposive activity in general, whereas the narrow concept of the will presupposes “intelligence,” or “thinking,” and the capacity for representation. The will in the narrow sense is self-conscious purposive activity. Hegel introduces this narrow concept of the will in E §468. Because in the *Philosophy of Right* only the rational will is at issue, Hegel also says in the marginal note just mentioned (in which he introduces the wide concept of the will) that the wide concept is “superfluous for the rest of the treatise” (R §8R). Yet, because this differentiation is not completely superfluous for the development of my arguments, I will observe the terminological distinction between wide and narrow concepts of the will. In particular, the following will hold: I use “activity” and “expression of the will” comprehensively for all expressions of the will (of will in the narrow and in the wide sense). The term “doer” also belongs to the wide conception,

3 Hegel himself later writes of “formal Right” (cf. R §126).

4 The shared aspect of the spheres of Abstract Right and Morality – they are both expressions of the universal moment of the will – does lead to the application of the universalization procedure in the latter sphere. But the for-itself of morality leads to the emptiness of this criterion (cf. R §135). At the level of the in-itself, on the contrary, this does not happen, since the institution “property” has “a content that is already fundamentally present as an established principle” (ibid.).

5 At issue here are my own definitions, which are not identical with Hegel’s terminology.

\* Citations followed by “mod.” indicate that the translation has been modified by Dean Moyer.

and indicates the one carrying out the activity. Only for the realm of the narrow concept of the will is the term “act” [*Tun*] valid; the one carrying out this act is designated with the term “agent.”

In the description of this “act” from the perspective of legality, the agent will be understood as a “person.” This description portrays the one carrying out the act as a rights-bearing person. By employing the standards of rationality and universality, this description involves a merely external perspective on the happening. The description from the standpoint of legality is, then, a special case of the description of an act as a “deed.” The concept of the “deed” encompasses all those descriptions of an action-event that do not record the action from the perspective of the agent himself. Since this study is not primarily concerned with the special juridical perspective, I will not distinguish the descriptions further here (cf. Chapter 4, Section 1). If the conduct is described from the perspective of the agent himself, then it is an “action” [*Handlung*], and the agent is considered a “subject.” This description conceives of the agent as a moral person, and describes the event as the result of his choice and of his particular perspective.

“Act,” then, picks out from the set of all activities those in which the will in the narrower sense is involved. The events, which are thus described as “acts,” can now be depicted as “deeds” on the one hand, and as “actions” on the other. “Act” is neutral with regard to this distinction, but covers both the realm of “deeds” and “actions.” The modes of description “deed” and “action” are to be understood as coextensive.<sup>6</sup>

Finally I distinguish between “matter” [*Gehalt*] and “content” [*Inhalt*]. With “matter,”\* I indicate the object of the will in the wide sense – it includes both “need” and “content.” The object of the will in the narrow sense, on the other hand, is always “content.” To prevent a possible misunderstanding, I should stress that it always depends on the concrete individual conduct as to whether the will in the narrow or the wide sense is involved. Naturally, a human being can also implement activities that are not acts. The connection between the activity and the one who is active is as follows: When an event is interpreted as,

6 The difference of deed and action is not identical with the Hegelian distinction that will be thematized later in this study (cf. Section 4.1). Enskat also understands the difference between the “righteousness of the action” and the “morality of the action” as a distinction “of different action-traits” that cannot be conceived extensionally as the difference of “different classes of action.” All quotations from Enskat 1986, p. 63.

\* Though it leads to non-standard English formulations, “matter” is used in this technical sense throughout.

for example, an act, then one assumes that an agent (and thus the will in the narrow sense) is involved. If one describes the event as activity, then one assumes simply that a will is involved – one leaves open the question as to whether or not the event was an act. The choice of the mode of description for the event depends on what the “trigger” is conceived to be.<sup>7</sup> In addition, it is possible that an event-type is an act for one individual and a mere activity for another. It is also conceivable that for a single individual at one point in time, a certain mode of conduct is an act, whereas for the same individual at another point in time, it is an activity.<sup>8</sup>

Recognized legality, which for Hegel is the standard for an “act” from the standpoint of Abstract Right, is not an exhaustive determination of the will or of the “Idea of Right” (R §1).<sup>9</sup> This standard simply delivers a conception of political life according to which “the rational can of course appear only as a limitation on the freedom in question” (R §29). For Hegel, only the realm of Abstract Right is exhausted with legality, but not the Idea of Right or of freedom in its totality. The conceptual necessity of a further determination of the will from legality (the expression of the universal moment in the form of the in-itself) to morality (the expression of the universal moment in the form of for-itself) arises in the section “Coercion and Crime” (R §90). An analysis of these phenomena “is also at the same time a further advance in the inner determination of the will by its concept” (R §104).

*Crime.* In the phenomenon of crime, the agent, as a particular will, decides to injure the in-itself valid Abstract Right. This happens through “the individual’s volition” (R §100), so the deed of crime also expresses “the formal rationality” (ibid.) of an action. In this scenario, an act is opposed to Abstract Right, to that which has being-in-itself, and is the expression of the (negative, limiting) universal rationality of deeds. The act is, on the one hand, irrational with respect to the standard

7 Hegel interprets this implication relationship, within the concepts of his “logic of reflection,” as “presupposition.”

8 Thus, at the beginning of a smoking career, the lighting of a cigarette is an act, while later on it is only an activity. One reaches for a cigarette without registering the activity as one’s own.

9 Hegel levels the reproach of reducing Right to legality, a reproach certainly without complete justification, against the philosophical theories of his predecessors Rousseau, Kant, and Fichte. Since I shall not here further discuss the rights-oriented dimension of Hegel’s theory of the will, I refer the reader to Baum 1978.

of legality: It violates the condition of non-contradiction in the sense that the coexistence of free persons becomes impossible. But on the other hand, the act is also – as the volition of an intelligent being – formally rational. It is subject to the standard of reason, but does not satisfy it.

For Hegel, crime is therefore empty in itself, since it exists only as the negation of the universally rational.<sup>10</sup> Through the criminal (as a person), Hegel derives the rationality of punishment from the internal emptiness of the crime, in that he interprets punishment as reproducing universal reason. This reproduction measures the criminal by the internal standard of his act; the act is supposed to be both the expression of a rational volition – and thus lawful (rule-governed) and universalizable (cf. R §100) – and an injury of a particular will (cf. R §96). “Punishment” is thereby the “subsumption” of the criminal under his own “principle” (cf. HE §414 and E §500). At the same time, punishment is – according to its logical status – the negation of a previous negation, and as such an affirmation. In the act of punishment, the “actuality” of the right appears first, since it proves itself in the process of its negation.

In crime, the will as concept finds itself in a self-contradiction, one that is sublated through punishment. In this sublation of the internal negation, the right becomes Idea (in Hegel’s sense). For the will to be caught in a self-contradiction, the two determinations of the will must enter into a contradiction. It is also necessary that both of these determinations (universal and particular will) stand in one antithesis. According to Hegel’s logic, two determinations that can be in contradiction stand in the determination of the antithesis when, in addition, these determinations are “determinations of reflection” (cf. LII 40 f., M 424 f.) – that is, each determination contains a relationship to its antithesis as the negated moment.<sup>11</sup> All of these conditions are fulfilled in the case of crime, since in it the particular will, which also contains the universal will, negates at the same time, through its act, this universal will. The one determination of the will negates the other determination of the will, although for each, the implicit relationship to the other determination is essential. Thus the will finds itself, as the unity of these two determinations, in a self-contradiction.

10 It should be noted here that crime, unlike “unintentional wrong” (R §84), implies a knowledge of its unrighteousness.

11 Cf. also Wolff 1981, p. 146 f.

In this thesis lies the logical ground for Hegel's description of punishment as "honoring" the criminal. Only in punishing him does one view his crime as the expression of a rational will. Hegel generally criticizes other theories of punishment either for not conceiving of the criminal as rational, or for not conceiving of the crime as a negation. But if one wants, like Hegel, to think of crime as a negation, then one must conceptually concede that the abstract rationality underlying legality can come into contradiction with the formal rationality of the for-itself free determinations of an agent's will. This further implies that the universal and particular wills stand in "antithesis" (R §104). Hegel's argument rests on the premise that the *one-sided* determination of the universal will as legality (R §29) leads to the particular will being in contradiction with the universal. Since both sides of the contradiction are moments of the will itself, the will is caught in a self-contradiction, one that is sublated in punishment. Through this movement, Right becomes Idea, and the will shows itself as "concept." According to Hegel's interpretation, legality and Morality form an antithesis in which each *relatum* implies its negated counterpart, and contains it as a kind of internal standard. The agreement of legality and Morality is therefore also only *possible*; it is conceptually demanded as an "ought," without this agreement's being (at this level) conceptually guaranteed. This is the reason that Hegel marks the sphere of Morality as the sphere of the ought.

*Avenging Justice.* The negation of the crime that is implied in the punishment brings forth a particular shape of the will – namely, "avenging justice" (R §104). Hegel specifies this shape as a particular will that wills "*retribution*" (R §101) and the reproduction of the universal will, of the condition of Right. This "revenge" is "just as regards content" (R §102, mod.) because its goal is the validity of Right itself. But it is "in its form . . . the action of a subjective will" (ibid.) because avenging justice is the determination of the will of the injured individual; as one who is injured, he is also a particular will. Thus posited in the form of the subjective will, revenge is only accidentally right. A subjective will can "place its infinity in any infringement" (ibid.). In the shape of revenge, therefore, an agreement of form and content is not conceptually guaranteed. Because of this merely accidental agreement, revenge also can appear to be directed simply to an increase of harm.

*Punitive Justice.* For this reason, Hegel thinks that the thought of "retribution" implies not only "avenging justice," but also the shape

he calls “punitive justice” (R §103). He can draw this inference since Right, in order to be Idea, must complete a negation of the negation. But in the shape of avenging justice, an infinite iteration threatens, since the first retaliation itself threatens to call forth revenge from the opposite party. Instead of reaching a negation of the negation, here the figure of “bad infinity” (LI 125) threatens. In this figure, each negation remains only a simple negation, so the opposition of infinity (as negation of the negation) and finitude (as simple negation) constantly repeats itself (cf. LI 125 ff., M 137 ff.). On the level of the phenomena, this corresponds to the result that no reproduction of Right is contained in a subjective will’s revenge, which brings about only a new injury of right that again requires retaliation. But the conceptual cause for this danger is that the shape of avenging justice appears in a form of the subjective will in which form and content do not yet correspond to each other. This difference – that the content is only accidentally right – hinders the demanded – and in the reproduction of Right already conceptualized – negation of the negation. It is *for that reason* that the shape of “punitive justice” is also already implied in this thought. The reproduction of Right implies the requirement of

a justice freed from subjective interest and subjective shape and from the contingency of power – that is, a *punitive* rather than an *avenging justice*. (R §103)

According to Hegel this required authority, a “punitive justice” equipped with the force of implementation, implies another requirement:

*Primarily*, this constitutes a requirement for a will which, as a particular and *subjective* will, also wills the universal as such. (ibid.)

Hegel’s argument demonstrates a conceptual connection between the possibility of a punitive reproduction of an injured order of Right, and the thought of a conceptually necessary agreement of particular and universal wills. The authority of a neutral implementation of Right, above all interests, is not conceivable without the implicit assumption of a particular will whose particular content is exclusively the reproduction of Right.

This conceptual connection in Hegel’s argument is produced through the supposition that Right must become Idea, and that it therefore must produce a negation of the negation. Hegel’s argument, then, clearly presupposes his speculative logic, as well as the substantive premises of the will *qua* concept and of the Right as Idea. But it is also



apparent that Hegel succeeds with these tools in giving an analysis of punishment that bears out our everyday understanding, and views the criminal as punished, not merely as forced. Hegel's conception avoids viewing the criminal as an "animal" and avoids understanding punishment simply as deterrence. Further, Hegel gets around the difficulty of having to justify a punitive measure that infringes on the rights of the one to be punished precisely in grasping punishment as a negation of the negation. Finally, Hegel succeeds through his theory of the will *qua* concept to conceive of Right as a shape of the universal moment of the will, a shape that is rational in-itself and that can, at the same time, allow a crime to be described as a rational action. Otherwise the following dilemma threatens here: Either one gives up the equal status of Right and universal reason, or one claims that crime is not free because it is irrational.

*The Transition.* The demand of a particular will that wills the universal as such is for Hegel the same thing as the "concept of morality" (ibid.). This concept has resulted from the shape of crime and from punitive justice itself. The determinations "legality" and "morality," which in Kant simply coexist beside each other, are bound together in the logic of reflection: The praxis of punishment presupposes the concept of Morality in the sense outlined earlier,<sup>12</sup> and at the same time this concept is posited as the result of the conceptual movement of legality. Thus, on the one side there is the logical implication-relationship of presupposition, while on the other side there is a further development, the positing of a new shape of the will.

It is now possible to understand Hegel's determination of the "Transition from Right to Morality." In §104 of the *Philosophy of Right* he writes:

In accordance with its concept, the will's self-actualization is the process whereby it supersedes its being-in-itself and the form of immediacy in which it is initially present and which is its shape in the realm of abstract right (see §21). Consequently, it first posits itself in the opposition between the universal will which has being *in itself* and the individual will which has being *for itself*; then, by superseding this opposition – the

<sup>12</sup> It is obvious that Hegel follows Kant with this conceptual determination. The basic principle is the idea of the Categorical Imperative, which is supposed to constitute the principle of Morality (cf. also 5.2).

negation of the negation – it determines itself as will *in its existence*, so that it is not only a free will in itself, but also *for itself*, as self-related negativity. Thus, it now has its *personality* – and in abstract right the will is no more than personality – as its *object*; the infinite subjectivity of freedom, which now has being *for itself*, constitutes the principle of the *moral point of view*. (R §104)

Hegel's statements here take off from his concept of punishment, in which the universal will being-in-itself becomes "actual" through the sublation of the form of immediacy characteristic of Abstract Right. Yet the place where the moral standpoint arises in this "negation of the negation" is not punishment itself. The moral standpoint arises, rather, from the self-relationship of the will, which "first posits itself in the opposition between the universal will which has being *in itself* and the individual will which has being *for itself*." It is important here that Hegel writes "posits itself *in* the opposition," and not "posits itself *into* the opposition." The moral standpoint, or "the infinite subjectivity of freedom," is "posited" in the opposition – it is a conceptual implication of "punishment" itself. The moral standpoint is the moment of "reflection of the will into itself" (R §105), as Hegel shortly thereafter remarks. This standpoint has its conceptual origin in the understanding of the act as crime and in punitive justice. The introduction of a punitive authority implies the agreement of the particular will with the universal will, an agreement that is given for the particular will itself. Only this agreement can fulfill the thought of retribution contained in the concept of punitive justice. The standpoint of Morality is thereby interpreted as a new *self-relationship* of the will, one that is no longer simply the self-relationship of abstract universality of the will being-in-itself (cf. R §29). The will is now reflected into itself and has reached a relationship of the universal and particular will, which is at the same time a self-relationship of the universal and particular moments of the will *qua* concept.

This new self-relationship is determined by Hegel in such a way that the will is "not only a free will in itself, but also *for itself*" (R §104). Hegel conceives this determination, relating oneself to oneself, as the becoming-for-self of the infinity of the will, which in the consciousness of freedom (expressed in the formula  $I = I$ ) is already in-itself self-related and therefore infinite. Thus instead of – as in Abstract Right – relating oneself freely to objects (which thereby become property), in the moral subject the will relates itself freely to itself. In the opposition

created through crime and punishment, the demand is “posited” that the particular will will the universal will *as such*.

In this way, the freedom of the will, which until now had only expressed itself as taking possession of objects and as a negative, limiting relatedness to other persons, is further developed conceptually into subjective freedom. This freedom consists in the subject determining itself to will the in-itself rational and righteous. But in crime, a subject’s freedom being-for-itself is also included as a shape in which the subject decides freely for a particular content and against a universal content, thereby making the particular content into a universal one. Freedom being-for-itself is also conceived there as the decision of a subject on a particular content.

In this further determination of freedom to a self-relationship internal to the will, freedom being-in-itself becomes for-itself; in the relationship of willing being-in-itself and willing being-for-itself, an altered conception of the agent comes into play. Terminologically, Hegel calls this further development the progress of the “person to subject” (R §105); I will investigate this development in the next section in order to determine more precisely the meaning of the moral standpoint and of the subjective will.

*Terminology Once More: Self-relationship.* To interpret Hegel’s text, I have used a concept that is not part of Hegel’s own theory. I take the concept *self-relationship* to be helpful in interpreting Hegel’s theory for two reasons. It is necessary in general to distinguish two levels in Hegel’s arguments. On the speculative-logical level, Hegel develops the diverse shapes of the will as self-referential realizations of the absolute. Hegel’s entire philosophy can be understood as an attempt to solve ontological (and other metaphysical) problems through a theory of the absolute, figured as the self-thinking that develops itself into itself in this thinking. Hegel grasps this absolute as an absolute subjectivity, which, through its process of coming to self-knowledge and its process of bringing itself forth, works its way up to ever higher and more adequate modes of being (shapes and concepts). The term *self-relationship* appears to me appropriate for interpreting this move in Hegel’s metaphysics.<sup>13</sup> At the level of the phenomena, the expression “self-relationship” is also appropriate. According to (my understanding of) Hegel’s theory, “person” and

13 The work of Dieter Henrich was an important impetus for this terminological definition. Cf. Henrich 1982, p. 3, and 1982a, Essays 4 and 5.

“subject” are to be understood as self-relationships of concrete subjects; at the basis of the self-relationships are ontological self-relationships of the absolute substance. If one detaches Hegel’s description of the phenomena from this metaphysical foundation, one can still endorse his claim that personality and subjectivity are ways of describing “rational actors” and their self-interpretations.

The choice of the term “self-relationship” therefore fulfills a double function: It reveals the binding element of the two levels of Hegel’s philosophy, and it provides a description of the phenomena that is intuitively plausible even without the metaphysical background. In addition, this choice of concepts reveals a modern line of thought in Hegel’s philosophy, a line that remains obscure in the original terminology.

Despite these advantages, a deficiency in the chosen terminology should be kept in mind: The concept “self-relationship” is neither a precise philosophical concept nor a concept of everyday language. With regard to the latter concern, I must assume here that the reader will accept this concept as a doorway into Hegel’s thought in order to grasp the described phenomena for himself. The status of the concept “self-relationship” as a philosophical term of art is more the name for a research program than a precise concept. I cannot go into the problems behind this program in this study – they demand an investigation of their own.

## 1.2 From the Person to the Subject

In this section, I will analyze the meanings of the two self-relationships “person” and “subject,” which are the *principles* of the spheres of Abstract Right and Morality, respectively. In addition, I will investigate which moment of the will *qua* concept is the basis of each principle. This procedure will bring out the respective logical moments that serve as the primary features for each principle. In the case of “personality” the basis will be the universal moment of the will, which is the thinking self-relation of  $I = I$ . I will not be contesting the idea that for the sphere of Abstract Right, the other moments of the will *qua* concept are important. Of course, the moments of particularity and individuality also belong to the person, yet only – so runs my thesis – through the mediating relation to property. With the “subject,” the corresponding thesis is that the logical moment of individuality as reflection-into-itself forms the speculative-logical basis. Since individuality is the “unity” of

universality and particularity, the other moments of the concept are integrated within it.

### 1.2.1 *Person*

THE LOGIC OF THE CONCEPT "PERSON." §§34 to 40, the introduction to the first part of the *Philosophy of Right*, outline the concept "person" in the sense that Hegel uses it in "Abstract Right." The will, which at first is present only "in its abstract concept" (R §34), and which therefore has the "determination of immediacy" (ibid.), is the "in-itself individual will of a subject" (ibid.). The moment of particularity belongs to the will *qua* concept, and is already implied in the thesis that the will of a concrete subject always contains "a content consisting of determinate ends" (ibid.). But as "exclusive individuality" (ibid.), the will relates itself to this particular content "simultaneously as an external world immediately confronting it" (ibid.). In Hegel's logic, the determination of the will *qua* concept as "exclusive individuality" also implies the determination of "universality," which belongs to the concept generally (not only as will). This moment of universality is "formal universality – the will's self-conscious (but otherwise contentless) and *simple* reference to itself in its individuality" (R §35) – a relationship that determines the concrete subject as a person. At the level of conceptual determination, "personality" (ibid.) is therefore identical with the universal moment of the will *qua* concept.

THE PHENOMENON OF FREEDOM. This speculative logical account is meant to explicate a specific phenomenon: the subject's consciousness that he can distance himself from all his determinations through an act of "abstraction." The knowledge of this capability reveals a "totally pure relationship" (R §35, mod.), one that does remain finite (since it only exists by means of abstraction), but that also represents the consciousness of freedom within finitude. The self-relationship of the will exhibited in this knowledge first arises with "a consciousness of itself as a completely abstract I" (R §35). This form of self-consciousness is distinguished from other modes of being given to oneself – those explicated earlier in the theory of Subjective Spirit – such as "self-feeling," because in this case there is a "thinking" self-givenness.<sup>14</sup> This distinction is indicated by the indexical expression "I," because it points to the thinking self-reference of the universal self-relation to a concrete "this." The knowledge of this self-reference is the universal moment of

14 Cf. also Siep 1990.

the thinking will; it is captured in the formula  $I = I$ , which for Hegel is “the expression of self-consciousness” (E §424) and constitutes “abstract freedom” (ibid.).<sup>15</sup>

THE PRINCIPLE “PERSON.” “Personality” is present, then, when a concrete subject has knowledge of his freedom and stands in a certain relationship to himself:

In the personality, therefore, there is knowledge of the *self* as an *object* [*Gegenstand*], but as an object raised by thought to simple infinity and hence purely identical with itself. (R §35)

Hegel thus specifies “personality” as the self-relatedness at work in the concrete subject’s consciousness that he can abstract from all concrete determinations. The self-reference of this complete abstraction is both fully universal and type-identical in all concrete subjects, even if it is only realized in the current self-relationship of an individual concrete subject. The self-relationship “personality” is therefore only a moment of the thinking will, and “the subject is a person to the extent that” (R §35R) he stands in this relationship to himself. Hegel can therefore also state that “person and subject are different” (R §35A), since the “subject is also individual” (ibid.). The principle “person,” therefore, completely abstracts from this individuality, from the moment of particularity.<sup>16</sup>

15 The work most relevant for a systematic elaboration of the Hegelian analysis of  $I = I$  is that which investigates the function of demonstrative expressions and attempts to establish a “direct reference” – that is, a reference not mediated through a sense [*Sinn*] (cf. the essays of Kaplan, especially 1989). If one inquires into the “thought-performance” at the basis of this peculiar semantic form, one can produce connections to the theory of self-consciousness of German Idealism and to Hegel’s conception of “pure reflection-into-itself.” Connections to the theory of subjectivity have been made in the context of the debate over the “essential indexicals” by Castañeda 1967, Anscombe 1975, Perry 1979, and Chisholm 1981. While Chisholm maintains, as before, the concept of direct reference, Castañeda has in the meantime given up this theory (cf. Castañeda 1982, p. 148) and developed a theory of self-consciousness in which self-reference is again mediated by special objects that he calls “I-guises” (cf. Castañeda 1987). He develops a general critique of the concept of direct reference under the presuppositions of his new ontology (the guise-theory) in Castañeda 1989.

16 To clarify the terminology, I should mention that Hegel’s use of “subject” in these paragraphs is not identical with his conceptual use in the Morality chapter. In the passages examined here, Hegel clearly uses the concept “subject” in a broader sense. In a *Zusatz*, he writes that “any living thing whatever is a subject” (R §35Z). This coincides with his conceptual use in E §350. I will therefore add, outside of quotation marks, the specifying term “concrete” in order to avoid confusion. “Person” and “subject” are self-relationships, while the concrete subject is the entity that can stand in these

One cannot object here that because there can be several persons, individuality is preserved through sheer numerical identity. “Numerical manyness” (LII 39, M 422) is, as Hegel says in his logic in a remark on “diversity,” “indifferent to likeness and unlikeness” (ibid.), since it “does not contain any *determinate* difference” (ibid.). But something possesses individuality only when it is different from others “through a determination” (ibid.).

In the introduction to the *Philosophy of Right* (cf. R §5 to 7), Hegel identifies the self-reference of  $I = I$  with both the universal moment of the will and with thinking (cf. R §5). He thus holds that each thinking concrete subject can take on this self-relationship because in it, reference is made in a fully universal manner to each particular individual – “I as This One.”<sup>17</sup>

At the same time, this self-relationship is the expression of the freedom of the concrete thinking subject, since no determinacy remains that is immediate for it. The subject can distance itself from everything – even, as Hegel repeatedly emphasizes, through suicide.<sup>18</sup> The specific characteristic of freedom at the level of “personality” is its negative character, its ability to negate (in principle) any particularity. This freedom expresses itself in the ideal object-relation of property. In this relationship, the will is related to the object through the will’s “interest,” and “in a universal way” (R §53R). There is a self-reference mediated by a thing, and therefore a self-reference that only has being-in-itself. But nothing more is posited in the thinking self-reference than this freedom

self-relationships. For this to happen, intelligence and thought are necessary. I should also mention here that Hegel’s concept of “person” – that is, of “personality” – has a broader sense at other places in the texts than it does at the beginning of Abstract Right. Hegel himself shows, at any rate, that there is a common essential feature of the concept of the person – the thinking self-relation discussed earlier (cf. R §35R). Cf. also on this point Siep 1986, p. 415 ff., and Siep 1989 and 1992.

17 For the singular concrete subject, the self-relationship expressed through the formula  $I = I$  is at the same time completely individuating. This stems from the first-person perspective, which is contained in the indexical expression “I.” But qualitatively, and from the third-person perspective, this self-relationship is not individuated. Here, in my view, lies the conceptual ground for Hegel’s affirmation of the diverse asymmetries between the two perspectives. They find their verbal expression in the semantics of “I.” Cf. on this point Nagel 1983 and 1986, pp. 54 to 66.

18 A concrete subject does not, however, according to Hegel, have a “right” to suicide (cf. R §70). His argument runs as follows: Through suicide, the “*comprehensive* totality of external activity – that is, life” (ibid.) – is destroyed, and personality is “not something external” (ibid.) to this totality. One cannot have a right, according to Hegel, to destroy that which allows one to be a bearer of rights in the first place. These considerations are also important for his conception of a “right of necessity” (R §127).

from every determinacy. As we saw, Hegel identifies this merely limiting character with legality, and develops from it the particular character of the sphere of Abstract Right. His thesis is that “personality . . . contains the capacity for right and constitutes the concept and the (itself abstract) basis of abstract and hence *formal* right” (R §36).

THE FIRST CONSEQUENCE. One consequence of this formal character of the principle “person” is that it can only be formulated as a “commandment of right” (ibid.).<sup>19</sup> To be a person is a characteristic that belongs to thinking individuals insofar as they relate in a certain way to themselves, to other concrete subjects, and to possible objects. It is possible for concrete, thinking subjects to bring freedom – which already belongs in-itself to them as concrete subjects – to being-for-itself. Being a concrete subject entails freedom In-itself, but thinking is a necessary condition for this freedom to become something for the concrete subject himself. The For-itself of freedom finds its expression in the thinking self-relationship  $I = I$ . Therefore Hegel can also say: “Whoever has not thought himself is not free” (R §5R); in this passage, freedom should be understood as freedom for-itself. One is free for-oneself, therefore, only when one stands to oneself in the self-relationship “person” or “subject.” For then one knows oneself as free with regard to every determinacy, and one posits “one’s being” (ibid.) in this self-relationship. Understanding Hegel’s theory of the will is made more difficult in that freedom-for-itself, which belongs to the will in the narrow sense, is at the beginning only in-itself, or is present only in an immediate form. This immediacy is what leads to freedom’s manifesting itself in relation to things. “Person” is therefore freedom being-for-itself in its immediate form.<sup>20</sup>

19 There is a question about the status of this commandment within Hegel’s theory. It cannot be an ahistorical principle. Presumably Hegel means that this self-relationship can be demanded by a citizen of his (Hegel’s) time because of the universal development of World Spirit.

20 If one understands the Hegelian concepts “in-itself,” “for-itself,” and “in-and-for-itself” as operators, in the case of the will in the narrow sense one must always speak of an iteration of these operators. Since the embedded “for-itself” (of the inner sequence) belongs in general to the will in its narrow sense, the quality of the will designated thereby must be given through the explication of the different shapes. But to determine the difference between the various shapes, the shift to the external sequence is relevant. Often, therefore, Hegel refers in an abbreviated way only to the second sequence of determinations. Of course, the construction of the *Philosophy of Right* follows a logical structure and not a historical development.



THE SECOND CONSEQUENCE. More important than this consequence of the formal character of “personality” than the mere possibility of being a concrete subject is the second consequence: The formal character determines the entire logical construction of Abstract Right, since “personality . . . constitutes the concept and the (itself abstract) basis of abstract right” (R §36).

Because “personality” only exists if one abstracts from every particular, and because these particularities also include the current particular “determining ground” (R §37) of the current particular will of a concrete subject, in Abstract Right these determinacies must be excluded. The justification of a particular will – in the sphere of Abstract Right – rests solely on having the form of universality. With regard to the matter of an act, then, Abstract Right is “only a possibility” (R §38), for it simply excludes certain content as impossible, without thereby picking out a concrete content as necessary.<sup>21</sup> For the content that is not excluded, “the determination of right is therefore only a *permission* or *warrant*” (ibid.). According to Hegel, the only selection criterion can be “*not to violate* personality and what ensues from personality” (ibid.). A content is forbidden, then, if it cannot be reconciled with the principle of “personality”; if it can be reconciled, it is simply allowed, but not yet commanded. Nothing speaks against it from the standpoint of Abstract Right.

Hegel operates with two predicates that are defined in the following way: Any act is “permitted” (in the sense of Abstract Right) that can be reconciled with the principle of personality, that can be conceived as coexisting with the free self-relationship of other thinking subjects. Those acts are “forbidden” (in the sense of Abstract Right) that are not reconcilable with the freedom of other thinking subjects. Rightfully “commanded,” then, is the act whose omission is forbidden. This means that commandments of right are based on prohibitions of right – if, that is, one conceives of omissions as acts. Hegel does conceive of them so: “Hence there are only *prohibitions of right*, and the positive

21 At the level of Abstract Right, Hegel escapes his own charge of the contentlessness of the universalization test because the institution of property is already implied in the self-relationship “personality” (cf. R §40). This delivers negative criteria for the test. On the level of Morality, this immediate validity is negated, since Abstract Right as a whole is the “object” of the subjective will (cf. R §105R). Because the moral subject is not necessarily “bound” to the strictures of Abstract Right, there is no longer in Morality any implied content that could produce a contradiction in the universalization procedure.

form of commandments of right is, in its ultimate content, based on prohibition" (R §38).<sup>22</sup>

AN ASYMMETRY. Hegel also derives from the structure of the self-relationship "personality" the reason why a mere "possibility," a "permission," can also be a right with respect to another concrete (thinking) subject.

Permission, because determinacy is only for me an external thing, not identical with right itself; for the others I am there in the thing; therefore not mere possibility for him. (R §38R)

This statement shows three things: First, it demonstrates once more, from the concept of "personality" itself, why there can only be permissions and no positive commandments of right. As a person I can (by definition) abstract from every determinacy, distancing myself from it. Thus there can be, in a purely conceptual sense, no determinacy for a person from which he cannot step back; there can be no positive right to a thing that a person must invoke. Second, Hegel's comment shows that the possibility in principle of stepping back from all determinacies is a *perspective* that a concrete thinking subject can take on *only with regard to himself*. Recognizing another concrete subject as a person means, therefore, only affirming this act of abstraction as his possibility. From this possibility, one can derive no rights for the recognizing concrete subject; rather, Hegel takes this as relevant to the expressions of will of the concrete subject who is recognized as a person.<sup>23</sup> For Hegel, this asymmetry between right-for-me and right-for-others serves, third, as grounds for the argument that "personality" must manifest itself in order to give itself existence, to give itself a determinate content that is available to others. This manifestation happens through "taking possession," through the treatment of will-less objects as "things" (cf. R §40).

THE PARTICULARIZATION OF THE PERSON. As I have already mentioned, Hegel does not consider the universalization test empty at the level of Abstract Right, because the institution of property is implied in the principle of "personality" itself. I will now make this connection

<sup>22</sup> The following problem arises here: If the inference to something forbidden is supposed to be valid, an act and an omission must stand in a relationship of contradiction. But it is difficult to tell which deed is contradictory to a certain omission. Compare on this point the suggestions by Anscombe 1957, §§31 and 32.

<sup>23</sup> Thus, for example, one cannot simply take something away from a person with the justification that it might be possible that he no longer views this object as his possession, "no longer places his will in this thing."

clearer. Hegel derives from the structure of the principle “personality” the notion that the only way to give oneself “existence<sub>D</sub>” is in taking possession of objects. The “personality of the will as *subjective*” (R §39) is as follows: As a relating of self to self, “the person relates itself to a nature which it encounters before it” (*ibid.*), a nature that is the object-realm of possible things. The objectification of this subjectivity can therefore only happen through such an active realization in this encountered nature. The first step is thereby accomplished: if mere possibility is supposed to receive “existence<sub>D</sub>,” it must occur through taking possession, an act through which the person attempts “to posit that existence as its own” (*ibid.*). The second step for Hegel is to justify that “must.” He succeeds in this with reference to his speculative logic – namely, through the identification of the principle “personality” with the universal moment of the will *qua* concept. As a moment of the concept, “personality,” like will in general, is determined as overcoming the subject-object difference (cf. R §32 and 33). Standing in opposition “to a nature which it encounters before it,” (R §39) “personality” is simply “something subjective” (*ibid.*) that has an unmediated other as “objective” over against it. Thus, if “personality” only remains subjective, it is not adequate to its nature as concept. It is, as Hegel notes, “that which acts to overcome this limitation (the difference with its own nature as concept – M.Quante) and to give itself reality” (*ibid.*). “Personality” must manifest itself in order to be adequate to its own conceptual nature as the universal moment of the will *qua* concept.

Hegel’s argument obviously rests on two premises: First, Hegel identifies a set of possible things with “the objective,” a realm that stands over against the subjectivity of “personality.” Here one can doubt, though, whether this deduction of the institution “property” is actually without alternatives. Why is it not possible to accomplish the objectification of “personality” in other forms of existence<sub>D</sub> than ownership? Second, Hegel’s argument rests on his speculative logic, which itself makes methodological and substantive presuppositions. Hegel’s manner of proof gives the impression of circularity, since it presupposes the possibility of a unity that bridges the subject-object difference. The necessity of giving itself existence<sub>D</sub> arises for “personality” out of its own conceptual nature, and the personality *qua* concept is in-itself always already in this unity.

AN OBJECTION. The speculative construction of the theory of the will as a whole depends decisively on the “logic of reflection.” Hegel

attempts to establish, with the logic of “positing” and “presupposing,” why a *petitio principii* in this context is not only not methodologically false, but is rather precisely what is demanded. The crucial idea is that without such a procedure, no adequate logic can be developed for the phenomenon of self-consciousness. I would like now to deflect an objection that one could bring against Hegel’s argumentation on this point. The objection is that Hegel commits a *petitio principii* not only methodologically, but also with regard to content. He does this, the objection continues, because the self-relationship “personality” has the moment of  $I = I$  as a necessary condition, and this moment is obviously itself already a case of the unity that bridges the subject-object difference. This objection can be refuted only with the tools of the Hegelian method, since the moment “ $I = I$ ” is nothing other than reflection itself. The content *petitio* can therefore be reduced to the methodological. Further, one can also see here that Hegel has constructed the self-relationship “personality” according to the model of “the absolute difference” (LII 32 f, M 417). On this model, “Difference is the whole and its own *moment*, just as identity equally is its whole and its moment” (LII 33, M 417). Hegel specifies this structure “as the essential nature of reflection and as the *specific, original ground of all activity and self-movement*” (ibid.). Carried over to the will, one can say that the universal moment of the  $I = I$  as identity “makes itself into a moment or a positedness” (LII 47, M 418) of the will, of the identity as a whole, “because, as reflection, it is negative relation-to-self” (ibid., mod.). The content *petitio* is traced back to the movement of reflection. On this movement, then, (nearly) everything depends.<sup>24</sup>

Although, therefore, a person can distance himself from each determinacy, it nevertheless lies in the (Hegelian) concept of “personality” “to posit as its own” (R §39) by taking possession, as subject, of the objects that stand over against it. In the relationship of a person to a thing as the person’s property, the conceptual structure of the self-relationship “personality” is realized. Hegel can therefore say that possession and property are the freedom of a “person who relates only to himself” (R §40).<sup>25</sup> At the same time, the expression of this internal subjective freedom is “a positive act” (R §38R), the “bringing forth of

<sup>24</sup> As long as there is still no satisfying analysis of the phenomenon self-consciousness, of the semantics of “I” and of self-ascription, Hegel’s efforts remain current. Cf. on this point also Düsing 1983a and 1992.

<sup>25</sup> Hegel uses the concept “thing [*Sache*]” here in a broad sense, so that (for example) “capability” also falls within the concept. In this paragraph, he criticizes as inappropriate

an objectivity and of a content" (ibid.) in which this freedom becomes real for other persons in the form of a rightful demand.

THE WILL OF OTHERS. Already in taking possession, a relationship exists to the will of other persons, since their possibilities are limited thereby and they must recognize the legitimate will of other persons.<sup>26</sup> As persons, they stand equally under the demand of Abstract Right not to injure the legitimate expressions of other persons. The higher forms of Abstract Right involve more explicit relationships to the will of other persons, yet the relationships of Right remain mediated through a thing (because of the Hegelian thesis that this is the only possibility for "personality" to achieve "existence<sub>n</sub>"). Contracts also confer in the end "not a right over a person, but . . . always over a thing" (R §40). Hegel can therefore maintain that in Abstract Right, the freedom of the will (as self-reference) appears only in a thing, the relationship of particular wills is mediated always only by a thing, and the conceptual relationship of the particular will to the universal will cannot be directly grasped. But this relationship can be understood when the self-relationship of the will is no longer "personality," but rather "subjectivity."

1.2.2 *Subject*. In the first paragraphs of the second part of the *Philosophy of Right*, Hegel introduces a concept extremely important for this investigation – namely, the subject:

The moral point of view is the point of view of the will insofar as the latter is *infinite* not only *in itself* but also *for itself* (. . .). This reflection of the will into itself and its identity for itself, as opposed to its being-in-itself and immediacy and the determinacies which develop within the latter, determine the *person* as a *subject*. (R §105)

The will was infinite in-itself already in the self-relationship "personality," the principle that grounds the shapes of freedom in Abstract Right. This self-relationship of the will remained "in-itself" because, to use an example, though taking-possession is certainly the expression of freedom of will – only a free, thinking will can enter a relationship of possession – the will relates itself to a thing and not to its freedom itself. The will is "infinite," and thereby free from the "standpoint" of

(among others) the Kantian division of right into "the right of things, the right of persons, and personal right of a real [*dinglich*] kind" (R §40R).

<sup>26</sup> On the function of this "recognition" for the development of "the idea of freedom," cf. Siep 1979, p. 286 ff., and 1982a.

personality through the thinking self-reference manifest in the capacity of a person to abstract from all particular content.

Analyses of the phenomena of crime, coercion, and punishment – that is, analyses of the societal understandings of these phenomena – allowed the concept of a particular will to come to light, a will that determines itself to will the right and thereby to will the universal will. Hegel elucidates this result by claiming (i) a “reflection of the will into itself” (ibid.) is present, through which (ii) the will becomes “infinite for itself” (ibid.), so that (iii) “a higher *ground* has thereby been determined for freedom” (R §106). If one thinks of the will in this further developed self-relationship, then one thinks of the concrete subject no longer as a person, but rather as a *subject*.

A “reflection of the will into itself” (R §105) is present in this new self-relationship because of the demand that the particular will determine itself to will the universal will. Following Hegel’s determination of the will as concept – that is, accepting the thesis of the logic of essence’s (non-numerical) identity of the universal and particular moments of the will<sup>27</sup> – we arrive at a self-relationship of the will in which the particular and the universal moments of the will are related to one another within a concrete subject. Hegel calls this movement “reflection into itself,” since it is not mediated by a thing, but rather signifies a relationship internal to the concept. The will is “infinite for-itself” in this reflection-into-itself because it freely relates itself to itself. Contained within the idea of the particular will that decides to carry out the right as the expression of freedom is the consciousness of freedom *to* choose this content, just as the understanding of crime as a free, intentional act, contains the idea that the particular will has freedom *from* this content and can freely decide against this content. The “interiority of the free will” (R §105R) in this process is the same self-relationship that Hegel describes with “subjectivity” (in the sense of the Morality chapter). The “higher ground of freedom” implied therein shows that at the basis of subjectivity there is a knowledge of the subject’s own freedom. Without this knowledge, the thought of “deciding”

<sup>27</sup> Hegel makes explicit the assumption necessary for this conceptual development: “In itself, pure subjective willing and willing in-itself are identical” (R §105R). In Abstract Right, generally pure subjective willing (as the consciousness of freedom of choice) and the will being-in-itself (as a shape of freedom) are in-itself conceptually identical. At the level of Morality, though, this identity is not yet “posited” for the subjective will itself. The basis of this figure (of the structure of the will in Morality) is the logical relationship in which something is at once the whole and its moment.

is inconceivable. The freedom that has until now only been expressed in interaction with “things” is further developed now, and conceived as “subjective freedom” (ibid.), the “pure relationship of the will in-itself to itself” (ibid.).

Hegel attempts here to analyze Kant’s concept of morality with the logic of the concept, and to determine that concept as reflection-into-itself. Whereas legality, as the merely formal quality of valuation of an act as “permitted” or “forbidden” (in relation to Abstract Right), resulted from the universal character of the self-relation “personality,” Morality captures the *inner perspective* of the agent. The issue is no longer whether an act is rightfully permissible or not; now what is important is the ground from which the act is performed. This very shift was a conceptual consequence of both crime and punitive justice: that the agent does something because it is right (or – in the case of crime – although it is not right). The agent is thus no longer viewed as a person, as the bearer of rights, but rather as a subject, whose “motive” (R §124) is to be considered along with the act. This standpoint for viewing the deed cannot retain legality’s separation of the universal quality of the deed, being righteous, and the concrete, specific motive of the agent; now the intentions, opinions, and reasons of an agent for his deed are also relevant. Examining the deed from the standpoint of legality means viewing the agent simply as a person, and thereby abstracting from his individuality and from the particularity of his will. But this particularity is just what is at issue when the agent is viewed as deciding freely, as a subject.

One must also keep in mind with respect to the concept “subject” an asymmetry between the perspective of another and one’s own perspective. I am for myself a subject when I know myself as choosing freely. Others view me as a subject when they describe my act in light of my intentions, when they grasp it as the expression of my choice. Formulated more precisely: When my act is described as a deed, one assumes that I am a subject; but when it is described as an action, I am recognized as a determinate subject, since my perspective is taken into account. The specific description of an act as an action shows who one is.

When used to describe the agent of an act, the concepts “person” and “subject” should be understood as distinctions of perspective and not as extensionally different concepts. Hegel’s analysis has shown that the concepts “person” and “deed” imply the concepts “subject” and “action,” as one can tell from the (everyday) conception of crime and punishment. But in the use in which “person” and “subject” describe the

structures of self-relationships of the will, these concepts are different. In Hegel's System, they are the indicators of two distinguishable logical structures. Yet, according to Hegel's logic, there is also a logical implication relationship between these two concepts. It is this implication from the logic of reflection that provides the implication affirmed here. That the proven implication of dependency must be thought of – on the level of logical structure – as a further development of the underlying concept is a further example of the application of the logic of reflection's "positing" and "presupposing."

Hegel's decision to label this new self-relationship of the will as "subjectivity" stems from his idea that "freely deciding" must be understood as a moment of the will *qua* concept, as the realization of the subjectivity of the concept itself. In order to be able to see through the logical construction of the Morality chapter, it is therefore necessary to analyze more precisely Hegel's statements with regard to the "subjectivity of the will" (R §106).

### 1.3 The Subjectivity of the Will

In §25 of the *Philosophy of Right*, Hegel offers an elaboration of the different meanings of the concept of "the subjective" as he uses it in the context of his political philosophy. He distinguishes three meanings that I will introduce here in a different order from Hegel's.

*Subjective<sub>1</sub>*. First, the concept of the subjective can be understood as the "particularity of the will as arbitrariness and as the contingent content of whatever ends the will may pursue" (R §25). In this use, "subjective" means, for example, the particularity of an end that only is valid for a specific subject, or the particularity of the reasons that are relevant for a subject who is deciding for or against something.

*Subjective<sub>2</sub>*. One can also with "the subjective" mean "the one-sided form . . . insofar as that which is willed, whatever its content, is still only a content belonging to the self-consciousness, an unaccomplished end" (R §25). One employs this meaning when describing a not-yet-carried-out intention as *merely* subjective, as not yet realized.

Behind this use, according to Hegel, is not only a deflationary critique of intentions that are not realized; more importantly, this meaning expresses the determination of the formal will as a kind of self-consciousness that, with regard to its relationship to its subjective ends,



stands on the level of “consciousness” (R §8). For Hegel this means that the will relates itself to objects as immediately other, “as external immediate existence” (ibid.).

Hegel attempts with this logical determination of the formal will to explicate why the will is activity. Since the will has the structure of the (Hegelian) concept, it bridges the subject-object difference. It relates itself to itself, and is thereby (in the Hegelian sense) infinite and free. At the same time, it is simply the formal will, only free in-itself and still caught in a formal “opposition between the *subjective* on the one hand and the *objective* as external immediate existence on the other” (ibid.). Hegel makes two things clear with this claim. First, he shows why the will is active: “The activity of the will” (R §28) is nothing other than the expression of the conceptual nature of the will itself, “to cancel [*aufzuheben*] the contradiction between subjectivity and objectivity” (ibid.). This happens in that the will as a practical capability alters the external world standing over against it, and the will realizes its subjective ends in that world by making them objective. Second, Hegel derives from the logical structure of the will – as the concept that bridges the subject-object difference – “the practical representation” (R §4R) through which the subjective end is determined as “what I will, (...) that it is” (ibid.). In this passage, Hegel also rejects the representation of separate capacities, and attacks the separation of a theoretical and a practical capacity that are, he claims, “not at all two capacities” (ibid.).

In the picture Hegel develops, the matter of an act is grasped as an end in practical representation. This end becomes a content through the theoretical component of the will as thinking self-relationship, whereas the “practical” character of the matter, as an end to be realized, is explained from the logical structure of the will as a whole. In Chapter 2, I will invoke the theoretical concept of the “proposition” to interpret this aspect of Hegel’s theory. Presupposing in his philosophy of right the narrow concept of the will, Hegel attempts to show why an end, which is formed by a subjective will, has a practical character, and at the same time has a theoretical structure. Hegel succeeds in this through the integration of consciousness as the theoretical component into the will as the practical component. In order to comprehend the “activity of the will” (R §28), the “standpoint of consciousness” (R §108) – as an integral part of the formal will – is indispensable. This standpoint brings with it the assumption of an external world that exists independently of subjects. Only in such an external world can the will

become practically active and realize its subjective ends. One could, more simply, say that the practical standpoint, our everyday consciousness of action, implies a naive realism.

Hegel's considerations here are not intended to give causal relationships. Hegel would much rather – in accord with his conception of philosophical explanation – deliver logically speculative explications of conceptual connections: If a will that has the structure of the concept gives itself an end, which is subjective in the sense of not-yet-realized, then the will must have knowledge (consciousness) that this end is *only* subjective. This is only possible if in this knowledge, the will relates itself to an external world, determined as subject-independent, in which the will actively externalizes itself. The standpoint of consciousness is an implication of this necessary connection. Hegel's explanation also involves the claim that the will has knowledge of the inadequacy of a merely subjective end. He grounds this thesis through the conceptual nature of the will, which is determined “as the infinite reflection into itself” (R §109). This determination, which belongs to the will as subjective, means that the limitation, which lies in the mere subjectivity of the end, is “for the will itself” (ibid.), so that the will cancels [*aufhebt*] this limitation in the realizing activity. In this conceptual development, Hegel provides an analysis of our acting consciousness: He must also explain why the matter of an action is formed in a practical mode. But this only succeeds in the way just shown if the third meaning of the subjectivity of the will is made explicit.<sup>28</sup>

*Subjective<sub>3</sub>.* Hegel examines subjectivity in the first section of the third book of his *Science of Logic*, beginning with an analysis of the concepts “universality,” “particularity,” and “individuality” as they are understood in the speculative logic. Since I cannot go into this difficult part of Hegel's metaphysics here, I will restrict myself in the following to showing how Hegel applies these three concepts (the only “moments”

<sup>28</sup> Hegel must also explain why “the absolute” as subject-object must be structurally not only thinking-of-onself, but rather also “willing oneself.” Hegel treats this theme in the second section of the next to last chapter of the *Science of Logic*. I cannot go into this theme here in the necessary detail. Hegel gives some indication of the connections internal to the system in the note to §28 in the *Philosophy of Right*: “Spirit wills to be idea – concept and existence<sub>0</sub>.” This question is especially interesting because it coincides in the end with the problem of whether self-consciousness always presupposes embodiment and sensuous experience.

(LII 239, M 600) of the “concept”) to the “will,” which according to his theory itself has the structure of the concept.

In §§5 to 7 of the *Philosophy of Right*, Hegel specifies those features of the will that he identifies with the three moments of the “concept.” Following the results of his logic, “individuality” is determined as “the unity” (§7) of the two other moments, a unity that “is the will” (ibid.) as “*particularity reflected into itself* and thereby restored to *universality*” (ibid.). The determination, of individuality has already been developed as Hegel’s determination of the will on the level of Morality, as that shape of the will that is thought in the concept “subject” if it is understood as deciding freely for or against an in-itself rightful end. Hegel identifies this unity of universality and particularity in individuality – Hegel writes in by hand in §7 of the *Philosophy of Right*: “better subjectivity” – with the “self-determination of the I” (ibid.). In this self-determination, the free will gives itself a particular content, posits this content as its end, and simultaneously knows itself as free in this self-limitation to be able once again to distance itself from this particular content. This consciousness of freedom of the will, which “constitutes the concept or substantiality of the will” (ibid.), already stood at the basis of “personality,” but had remained there in the determination of the “universal.”

*Subjectivity and the Standpoint of Morality.* From the standpoint of morality, “subjectivity now constitutes the determinacy of the concept” (R §106), for here the “motive” of the subject is taken into account, and the decision to perform an action from freely chosen reasons with “knowledge and insight and intention” (R §105R) becomes the standard. *Self-determination* is thus picked out as the active principle – that is, as the basis for the further explication of the sphere of Morality. The decision of a for-itself free will is the only “place” in which “freedom, or the will that has being *in itself*, [can] be actual” (R §106). The will that has being in itself is “actual” when it, as the active principle, receives “existence<sub>D</sub>.”<sup>29</sup> Hegel’s analysis of crime and of punitive

29 “Existence<sub>D</sub>” should be understood in this investigation to mean the instantiation or exemplification of a universal, but also the determinacy of an individual concept against others. This covers all three meanings that Hegel gives in the corresponding section of the *Science of Logic* (cf. LI 96, M 109). Two concepts have “existence<sub>D</sub>” when they are distinguishable from one another in meaning and are also determinate for themselves; the universal will that has being in itself has “existence<sub>D</sub>” when it becomes “existent” (is instantiated) in the act of a person.

justice has shown that this movement can only be conceived in this way – as a particular will freely deciding to will the right, as that willing that has being-in-itself – if this particular will determines itself to be a subject whose particular willing is at the same time the willing of the universal.

The possibility of punitive (and not merely avenging) justice rests on it's being the case that the will of the "subject, as the individual [*des Einzelnen*] who has being for himself, at the same time *is*" (ibid., mod.), where the *is* signifies that the being-for-self of the individual will is "distinct" (ibid.) from the will that has being-in-itself. To get Hegel's meaning right here, it is necessary to keep in mind that "difference" [*Unterschied*] is a concept from the logic of reflection: It is not the indifference, from the logic of being, of two in-themselves distinct entities, but rather the logic of reflection's relative independence of the two relata *of a single* structure, which owe their independence precisely to the implicit reference to their opposite.

This difference, when interpreted according to the logic of reflection, fulfills three functions for Hegel. First, there must be a difference between the universal rationality of the will in general and the particular rationality of the will of a subject; otherwise the criminal could not be an agent and his act could not be the expression of a will. If the particular and universal wills did not also have relative independence from one another – and "difference" here is interpreted in terms of such a relative independence – the conflict of the two would be inconceivable. Second, if freedom is to become "Idea," then it must also have "existence<sub>D</sub>" and "actuality." But right is only "actual" in punishment, in that it proves itself through its negation (crime) – that is, by negating this negation. This happens insofar as a particular will carries out the punitive justice. To do that, a particular will must will for-itself the universal will (the right), and do so through its own decision, through self-determination. Further, and this is the third function of the difference, only with the assumption of a difference in general is there room for Morality itself for the relevance of the question of the motivating ground of an act. Without the preparation of this difference, the thought of a for-itself absolutely free action would be unthinkable, since it would mean that a decision against right would not be free – it would no longer be an expression of the free will. Further, without this difference, the individual consciousness of the freedom to be able to decide *knowingly* against right would no longer be conceptually preserved. This individual consciousness of freedom does imply – against a widely held "intellectualist" conception of the will – the freedom to be "evil,"

a free decision for an act that is not right.<sup>30</sup> Only this consciousness of freedom, as I understand Hegel's theory of punishment, makes it possible to maintain the concept of punishment at all.<sup>31</sup> Our self-understanding and our praxis presume exactly this concept; normally we distinguish between a crime as a free action and the conduct, for example, of an addict. Hegel's logic of reflection can generate an answer to this difficulty.

If it is admitted that the will *qua* concept "carries" in itself the negativity to dirempt itself into itself and to remain "with itself" in this diremption, and if it is admitted that the will as substance posits a difference in itself that can deepen to contradiction, then several assertions are plausible: (1) Freedom can be thought of as "Idea" (in Hegel's sense), since in the free decision of a particular will for or against the right (that is, for or against freedom in-itself), freedom has "actuality" – each decision is determined as the *concrete* decision of a particular will in which the will determines itself. (2) A decision against the right can be conceived as free (as the expression of a rational willing of an agent) – crime remains an act, and the concept of punishment can be justified without the one being punished ceasing to have the "honor" of a rational, freely acting being. (3) The individual consciousness of freedom of the agent – that he is always "able to do otherwise" – can be analyzed conceptually. (4) Morality as a question about the reasons of a free self-determination of an individual agent can be developed as a dimension of the concept of action, and can be marked off conceptually from the view of an act according to the principle of legality. (5) The "subjectivity" of the action can be explicated. (6) Problems in the evaluation of actions can, through analyses of their conceptual bases, be traced to their genesis, and thereby dissolved.

Obviously the various functions of the logic of reflection's analysis of the acting consciousness of a subject – as the self-relationship of the will in itself – work on very different levels. I will not further thematize the important functions of the will *qua* concept for Hegel's System, such as the development of the determinations "existence<sub>n</sub>,"

30 By "intellectualism" I mean the thesis according to which it is unthinkable that a rational being could knowingly, from a free decision, do something immoral or wrong *despite* its negative quality.

31 This is also evident in the consequences that Pothast 1980 draws from the opposite thesis. Pothast comes to the conclusion that no proof of freedom is possible that would deliver a basis for the legitimation of punishment in the sense relevant for political and moral philosophy.

“actuality,” and “existence” as “real moments” (R §106). Nor will I discuss Hegel’s attempt to deliver a philosophical justification of the legitimacy of punishment. What is important here is to mark out the conceptual space in which Hegel unfolds his concept of action. For the questions of this investigation, therefore, the central points of those given are (3) through (6), since they touch on fundamental problems of action-theory.

*The Development of Subjectivity in the Sphere of Morality.* The principle of the subjectivity and self-determination of the will that is active in the free decision of each particular will undergoes a process of development in the sphere of Morality. According to Hegel, this process is ambivalent. In §§106 and 107 of the *Philosophy of Right*, Hegel twice anticipates the coming developmental process:

The second sphere, i.e. morality, thus represents in its entirety the real aspect of the concept of freedom. The process within this sphere is such that the will which at first has being only for itself, and which is immediately identical only *in itself* with the will which has being *in itself* (i.e. with the universal will) is superseded; and leaving behind it this difference in which it has immersed itself in itself, it is posited for itself as *identical* with the will which has being in itself. (R §106R)

The sphere of Morality is marked by a difference and a deficiency, because the will that has being for itself is not yet identical with the will that, as right, has being in itself, although both are in themselves identical as the expression of the freedom of the will. This difference is deepened in the Morality chapter in that freedom being-for-itself moves ever further away from freedom being-in-itself, until with “evil” and “conscience” an opposition to the universal will is reached, an internal contradictoriness that produces the “sublation” of the entire sphere of Morality.<sup>32</sup> This sublation, which should not be equated with a mere negation, consists in the will that has being-for-itself knowing itself as identical with the will that has being-in-itself. In this sublation, the “righteous will” arises as a logically higher self-relationship that is the conceptual basis of the sphere of Ethical Life.

<sup>32</sup> In order to avoid misunderstandings: Conscience and evil are one side of the antithesis, whose other side is the universal will. Some theoretical conceptions of evil and conscience are internally contradictory, but not the antithesis itself. This sublation is no simple negation, as Siep 1981 and 1982 shows.

From this perspective, the entire sphere of Morality and all of the concepts developed therein are penetrated by a conceptual opposition, one that arises from the unreconciled difference that is *constitutive* for Morality itself. In this sphere, therefore, a conceptual resolution of this opposition is not to be expected, as Hegel himself notes: “The whole moves in antitheses ( $\alpha$ ) what is, and ( $\beta$ ) what is for me and in me” (R 114R).

From another perspective, the “self-determination of the will” (R §107) in Morality is at the same time – as individuality – “a moment of its concept” (ibid.), so that “subjectivity is not just the aspect of its existence but its own determination” (ibid.). The formula “self-determination of the will” should be separated into two aspects: One is the internal reflection-into-itself of the will as concept, which gives itself existence<sub>D</sub> in a particular willing in order to become “actual” as punitive justice. This counts as an instance of “self-determination” because the will being-in-itself determines in a free decision<sup>33</sup> the  *motive* of a particular will. This self-relationship is a necessary consequence of the conceptual nature of the will itself (cf. R §§5-7). Further – and this is the second aspect – this “self-determination” must be conceived as a determination that a will free for-itself gives to itself. It is also a self-determination of a particular will. In the moral will – that is, in the determination of the person to the subject – this free self-determination is (implicitly) thought and developed by Hegel as necessary from the conceptual structure of the will itself. Therefore the sphere of Morality must – for speculative logical reasons – have a “right,” or better: It must be brought to expression, since it embodies a conceptually necessary externalization of the will.

As far as this aspect is concerned, the process of the moral point of view referred to above ( . . . ) takes the following shape: it is the development of the *right* of the subjective will – or of its mode of existence<sub>D</sub>. (R §107R)

The sublation of this sphere can therefore not be mere negation, but rather must be a new interpretation and relativization of the right of Morality (but also of Abstract Right, as the “right of necessity” shows). This relativization will be – as befits Hegel’s method – a kind of

33 Hegel brings this “resolution” into relation with his syllogism theory from the logic (cf. R §7R; LII 93, M 471). On the level of form, the will is thereby already Idea. But since the content is not yet *posited* as being adequate to the form, the sphere of Morality remains formal (cf. LII 481, M 821), and the content is only given through a “judgment.”

self-correction, one that results from the conceptual determinations themselves (cf. R §31). The determinations appearing within it are also at the same time “shapes” (R §32) of the concept of the will itself.

Before the concept of action can be analyzed, two further interpretive steps are necessary: I must first clarify what lies behind the Hegelian locution of the “formality” of the subjectivity of the will (1.4). Then Hegel’s understanding of “content” must be conceptually explicated (2). The peculiarity of the sphere of Morality – that it sublates itself – arises because the difference is constitutive in Morality; as *difference*, it is necessary, but also, because it is only a *relative* difference,<sup>34</sup> it cannot be intensified to a contradiction. The necessity of the difference constitutes the right of Morality as well. But the fact that in the sphere of Morality, the relativity of this difference is not yet posited, the will being-for-itself does not yet know *itself* as identical with the will being-in-itself, constitutes the *formality* of this standpoint. Or in Hegel’s own words:

When it (the infinite self-determination – M.Quante) makes this first appearance in the individual [*Einzelnen*] will, it has not yet been posited as identical with the concept of the will, so that the moral point of view is consequently the point of view of *relationship, obligation, or requirement*. (R §108)

I will analyze the more precise meaning of this *formality* of the subjective will in the next section.

#### 1.4 The Formality of the Subjective Will

In §108 of the *Philosophy of Right*, Hegel summarizes both the ambivalent character of Morality and the reason for this ambivalence: The subjective will is “immediately for-itself” (R §108). This subjective will relates itself freely to a content, and is not aware – because of its immediacy – of the identity of its consciousness of freedom with the Right (as the content of this freedom). Since this identity – which Hegel places at the heart of his entire conceptual development – is

<sup>34</sup> The concept of the relative difference should be conceived through the Hegelian logic as the difference of form and content, which is also constitutive for the concept and the Idea. It can only be a relative difference – that is, a difference only according to form – because in the Idea the identity of form and content is demanded. This identity, though, is one in which the difference is not simply negated, but rather sublated. A first form of the sublation of this difference is the “judgment” (cf. LII 238, M 599).



not yet “posited” in the subjective will, this will possesses only *formal* self-determination.

*The Formal and Content.* The logical characterization “formal” [*formell*] means here that the subjective will relates itself freely to all content, and has not won for itself from this consciousness of freedom any criteria for its possible content. Determined exclusively in this manner, the subjectivity of the will would be simply a deficient shape of the will in general, and its “fate” in the course of the further development would only involve being negated.

*The Formal and the Form.* As a logical moment, individuality belongs to the will because of the will’s conceptual structure; specifically, individuality belongs to the subjectivity of the will. This moment, “as the infinite self-determination of the will, also constitutes the *formal aspect* of the will [in general]” (R §108). Therefore, in the freedom of the subjective will from and to (decide upon) all possible content, a first shape of individuality is present, and one that belongs to the will as concept. This determination of subjectivity as a moment of the will itself makes it clear that subjectivity must be preserved; only the deficient manner of the first appearance of this moment (in the abstract consciousness of freedom of an individual subject) must be negated. What must be negated is the “immediacy” of this first appearance, and not the entire moment. Being a shape of the moment of individuality is in fact exactly the source of the inalienable right of Morality.

*The Formal and Activity.* That this first shape of individuality is in the beginning only immediate and formal explains, according to Hegel, why the “standpoint of consciousness” (R §108) appears in the will. The “difference” between form and content, which as the “difference of subjectivity” (*ibid.*) is contained in the will and constitutes the formality of that will, contains at the same time “the determination whereby it is opposed to objectivity as external existence” (*ibid.*). Hegel’s remark can be understood by making clear that the difference of form and content leads to the will that is free for-itself relating itself freely in opposition to each content. The various contents are thought of thereby as possible objects, whose difference from each other must have its origin in the contents themselves, and not in the subjective will. In that the subjective will relates itself freely in opposition to each content, it makes the content into objects of its will and transfers the origin of

the differences into these objects themselves. But just this is the logical structure of consciousness (cf. E §§413 ff.).

Because it exhibits the structure of the concept, the will is in-itself beyond the subject-object difference. And since the will as subjectivity has always already in-itself overcome this difference, this deficiency (the subject-object difference) is determined as such for the will – it is a “limit” for the will. The activity of the will resulting from overcoming this difference explains, according to Hegel, why the will grasps possible contents as ends that it tries to realize. Hegel therefore traces the difference between the theoretical content, “p is the case,” and the practical content, “p should be the case,” to the conceptual inadequacy of the subject-object difference in the subjective will itself. Hegel clearly understands the practical mode of a content (as an end) as the expression of this conceptual structure of the subjective will.<sup>35</sup>

*The Formal and the Ought.* From the abstract and formal character of subjectivity on this level, Hegel derives the obligatory character [*Sollenscharakter*] of Morality itself. He equates the “ought” with the relationship that exists between the universal and particular wills when they are related to each other, in a subject’s willing, as only possibly identical determinations. The conceptual determination of the ought can be expressed in the following formula: Since the being-in-itself identity of universal and particular wills is conceived from the standpoint of Morality (as the subjectivity knowing itself as free) only as *possible*, this identity is itself simply a demand on the subject’s decision, an ought arising from the being-in-itself (conceptual) identity. One can sum up this result: The being-in-itself identity is active in the subject through the moral ought, and gives itself an existence<sub>D</sub> corresponding to the logical status of being posited merely as a possibility.

§109. In §109 of the *Philosophy of Right*, Hegel further investigates the formality of the subjectivity of the will in Morality. This paragraph is

35 More precisely formulated, this claim could be expressed as follows: The content “p” is given in the theoretical mode or in the practical mode by the form of “p.” But this would presume that Hegel starts out from the premise that the same propositional content can appear once in a practical mode and once in a theoretical mode. Since it cannot be decided with certainty whether Hegel proceeds thus, or whether he distinguishes between two classes of propositional contents, I have chosen the neutral formulation. Hegel’s emphasis on knowing as a theoretical function seems, though, to speak more for the first alternative. Cf. for the second alternative the concept of “practitions” in Castañeda 1975, Chapters 2 and 6.

extremely dense, and provides an almost complete recapitulation of the conceptual determinations up to that point. I will therefore first list the statements appearing in the text and then interpret them (emphases in Hegel's original).

1. "In accordance with its universal determination, this formal aspect [of the will] contains in the first place the opposition between subjectivity and objectivity"
2. "and the activity associated with this opposition (see §8). More precisely, its moments are as follows:"
3. "*existence<sub>D</sub>* and *determinacy* are identical in the concept (cf. §104),"
4. "and the will as subjective is itself this concept – to distinguish the two [*existence<sub>D</sub>* and *determinacy*] for itself,"
5. "and to posit them as identical."\*
6. "In the self-determining will, *determinacy* is ( $\alpha$ ) initially posited *in the will* by the will itself – as its particularization within itself, a *content* which it gives to itself."
7. "This is the *first* negation, and the formal limitation [*Grenze*] of this negation is that it is merely something *posited* and subjective."
8. "As *infinite reflection* into itself, this limitation is present *for the will itself*, and the will is ( $\beta$ ) the aspiration [*Wollen*] to overcome [*aufzuheben*] the restriction [*Schranke*] – that is, the *activity* of translating this content from subjectivity into objectivity in general, into an *immediate existence*."
9. "( $\gamma$ ) The simple *identity* of the will with itself in this opposition is the *content* or *end*, which remains constant in the two opposites and indifferent toward these differences of form."

Statements (1) and (2) take up the already analyzed meanings of "formal," so I can begin directly with (3), (4), and (5). With these statements, Hegel describes more precisely the moments of "activity" named in (2). In (3), he recalls the speculative logical presuppositions of the concept.

*The Moments of the Activity.* In order to characterize the logical structure of the process of morality, Hegel refers back to the relationship of universality, particularity, and individuality developed in the logic of the concept. By *universality* he understands not the universality produced by abstraction, but rather a self-organizing and self-determining

\* The translation of (4) and (5) has been modified at the suggestion of M. Quante.

universality whose determinacy as *particularity* always contains universality.<sup>36</sup> This particular is produced through the self-determination process of the universal, and is not conceived of as persisting independent of this universal. *Individuality* is nothing other than the unity of the two other determinations; positively formulated, it is the thought of the particular *as* the universality determining itself therein. In the *Science of Logic*, Hegel also calls this thought “the principle of individuality [*Individualität*] and personality” (LII 260 f., M 619).<sup>37</sup>

Since I cannot go into Hegel’s speculative logic in this investigation, in order to specify the sense of (3) I will only detail the form Hegel gives the content of the moments of the concept as will. The will has “existence<sub>D</sub>” as self-determining universality only in a free self-relation – namely, when a subject as particular will determines itself freely to will something *because* it is legal or ethical. Since the merely formal universality of Abstract Right does not rule out any positively formulated content, the free subjective will can only contain content and particularity when it freely relates itself – in a “reflection-into-itself” – to possible objects of the will, and gives itself a content through a *decision*. The universal will thus particularizes itself in a subject’s free decisions. The moment of determinacy comes into existence through the decision of a subjective will in which a possible content is determined as a subjective end. At the same time, this deciding subject is conceived of as free will, and thus the universality of the concept also belongs to it. It is therefore particular in the sense of the logic of the concept. The determinacy possessed by the universal will, to be – as concept – freely self-determining universality, is fulfilled in the free decision of a subject. In and through this decision, the will also has “existence<sub>D</sub>,” or particularity against others.

Hegel has this conceptual relation in mind when in (3) he speaks of the identity of existence<sub>D</sub> and determinacy in the concept. With (4) and (5), he then characterizes the structure of the *content* of the developmental process of the sphere of Morality. In these two statements, Hegel once more expresses the (already several times affirmed) ambivalence of this process as a “distinguishing” (4) and a “positing as identical” (5). The subjective will in the sphere of Morality deepens

<sup>36</sup> Cf. on this point Düsing 1984, pp. 244–251.

<sup>37</sup> This is one of the texts in which Hegel uses the concept “personality” in another, broader sense than in the section “Abstract Right” of the *Philosophy of Right*. But in this text (quoted here from the *Science of Logic*), he also marks it as a self-relationship. Cf. on this point Siep 1989 and 1992.

the difference between itself as particular will and the Right as the universal will, culminating in the absolute antithesis in the shapes of evil and conscience. The dialectic of this antithesis displays conceptually the in-itself pre-determined identity of particular and universal will; the subjective will posits this identity for-itself, and so becomes ethical willing. In the sphere of Ethical Life, the subject knows himself to be identical with the universal will and no longer relates himself abstractly to the content of his willing. The content pre-determined through the ethics, customs, and rights of one's social community is then no longer viewed as merely possible content abstractly opposed to oneself, but rather as a set of guidelines, the possible shapes and concretizations of one's own freedom.

*The Moments of Determinacy.* In statements (6) through (9), Hegel outlines more precisely the moments that belong to the "determinacy" mentioned in (3). In (6), he refers not to the speculative logical determination developed here, but rather he names those moments that are given *for the subject himself*, for the "self-determining will" itself. Contained in the subject's knowledge of action is the idea that he can again distance himself from each content, from each end that he chooses. Therefore each end is determined for the subject himself "as posited in him through himself." If the subject could not assert of himself for some content that he has "posited" the content as his own, he could not be free with regard to this content. The content would for that reason not be a subjective end, and there would be no action. Only through the subject's free decision does a content become a subjective end, and only through this decision does the content receive the form of the will's subjectivity. There can of course be non-freely chosen ends that are subjective in the sense of "particular." But to be subjective in the sense of the logical determination of subjectivity presupposes the free decision of the subjective will as the form-giving moment.

Hegel had already identified the universal moment of the will with the ability of the subject to abstract from each possible content, an ability contained in the free decision. He can therefore now mark this self-particularization as the "first negation," since therein the universal particularizes itself and "negates" its own universality. This first negation should thereby be taken in a double sense: It is a *negatio* and at the same time a *determinatio*. For this reason – Hegel claims – this self-given content has a "formal limit," which means it should be seen as "merely something *posited* and subjective." With this elaboration, Hegel

obviously is referring to the second meaning of “subjective.” He points to the particularity of the subjective end as an intention or aim that is only for the subject, only inward and not yet realized. Hegel logically explicates here the fact that acting subjects can posit as an end a content that is not immediately realized.<sup>38</sup> The reason for this deficiency of the finite will is that the positing of an end is only a “first negation” and does not yet have the character of an absolutely [*schlechthin*] objective end. Now, in this positing of an end, the agent resolving himself to an action is aware of the unrealized character of his end, and wills to realize it. Hegel explicates this distinctiveness – which distinguishes the content of a subjective will from that of thinking – through the statement that the subject as freely deciding “is infinite reflection into itself” – that is, the subject has the form of the concept. This willing is, logically speaking, nothing other than knowing the “limit” of the mere subjectivity that posits the end. But this limit is known because the free decision of the subject is, according to its form, already the concept that bridges the subject-object difference.

Summarized briefly, statements (1) through (8) of §109 of the *Philosophy of Right* deliver an analysis of the consciousness of action of a subject who also always claims for himself the ability to do otherwise. Such a subject of action grasps a content (having in-itself the deficiency of the subjective) as an end to be realized, since in a free decision it determines this content as its own. This self-determination is universal according to its form, since it is the expression of freedom being-for-itself. One can only speak of free self-determination when it is accompanied by the knowledge that one could have decided otherwise.<sup>39</sup> Freely deciding

38 If one thinks of the *intellectus archetypus* as the countermodel to the finite human will, then the function of this explication becomes clear. For this context, it is important that Hegel have the “intuitive understanding” in mind, having reinterpreted the Kantian conception from the introduction to the *Critique of Judgment* (cf. on this point Baum 1990). Further, the finitude of the will that Hegel details here is relevant when Hegel explicates the occurrent character of action (cf. R §115). One must always keep in mind in Hegel’s explanations the two aspects produced by the doubling of the operators: The will in Objective Spirit is always also infinite as freedom for-itself (inward sequence of operators); at the same time, its individual shapes are always also (partially) finite (external sequence). Thus, taking possession is already infinite as universal, ideal self-reference (cf. R §53R), and finite because of the mediation of the self-reference through a thing.

39 In cases where the situation before one only admits of one possible action, another distinction can become necessary: It is then relevant whether the agent in these cases affirms his only option, or whether he experiences it as mere coercion. Thus, for example, a criminal can freely “accept” his punishment, even if he has no possibility of escaping it. The free decision is reduced in this case to free affirmation, but suffices to count as the expression of freedom being-for-itself.

to act on a specific content is a negation of universality, but at the same time – according to its form, or in the consciousness of freedom – the universality remains preserved. This antithesis finds its expression in willing and in the activity of realizing the end. In Hegel's account, which he explicitly understands as an analysis of the consciousness of action,<sup>40</sup> what is at stake is not a causal explanation, but rather the philosophically speculative illumination of the underlying structure of the phenomenon. Hegel thus carries out a logical explication of the moments that are found in the consciousness of a freely deciding subject.

In the last statement (9) of *Philosophy of Right* §109, Hegel shows how the “content” is conceived in the logical structure of decision: The content should be indifferent to the “opposition” of subjective and objective. This remark is no longer an analysis that refers exclusively to the moments known by the acting consciousness itself. Rather, Hegel indicates here an implication of the concept of free decision, an implication that will be elaborated in the following paragraphs of the *Philosophy of Right*. Before I can carry out an analysis of the implications contained in the concept “content,” I will here go through the different meanings of “subjective” once more in order to contrast them with the different meanings of “objective.” This will be helpful for a more precise understanding of the implications of “content” that Hegel indicates in (9), for these implications mainly refer to the relationship of “subjective” and “objective” with respect to the concept “content.”

*Subjective Once More.* As I showed earlier, Hegel distinguishes three meanings of “subjective” in §25 of *Philosophy of Right*. With “subjective,” one can mean the particularity of an end, or the “one-sided form” (R §25) of the end that has not yet been realized. But – and this is the speculative meaning – “as far as the will in general is concerned” (ibid.), “subjective” also designates the “subjectivity” (ibid.) of the will, the “pure form” (ibid.) of the will itself. Between the determinations “the subjective” (ibid.) and “subjectivity” there exists, then, the following relationship: Only in one meaning does “subjective” or “the subjective” designate the form of the will as “subjectivity.” But subjectivity is the form of the will *qua* concept.<sup>41</sup>

<sup>40</sup> The marginal note to §109 reads: “Action should immediately be taken here.”

<sup>41</sup> There are no evident shifts in meaning between the adjectival and the substantive uses of “subjective” and “the subjective” and “objective” and “the objective,” so no distinction need be made between these two uses.

We can also now see why Hegel sets the three meanings of “subjective” in relation to one another: Common to them all is their “formal” character; the abstraction from a content, the absence of objectivity. It is equally clear now that the reason for both of the first two subjective moments of the will lies in the third, speculative determination of the will: Both the decision on an arbitrary content from arbitrary reasons, and the deficient, merely subjective form of ends in the decision itself rest on the will’s being “subjectivity” as “pure form,” “inward and *abstractly* dependent upon itself” (R §25). To this form of subjectivity, the possible content stands abstractly opposed, the material opposed to the form. The commonality of the three meanings of “subjective” is their formal character. Opposed to it is always “the objective.”

*The Objective.* Just as the three meanings of “subjective” have common features and are still not the same in meaning, so also the meaning of “objective” is not unitary. For Hegel, “subjective” and “objective” are “determinations of reflection” (R §26), whose meanings mutually indicate each other, reciprocally imply each other. Thus, though I will only briefly outline the meanings of “objective,” this presentation must take place in two steps: First, the different meanings must be separated and analyzed for their commonalities. Then the relationship of the corresponding different meanings of “subjective” and “objective” must be given in order to formulate more precisely the relationships of correspondence and difference of meaning.

*Objective<sub>1</sub>.* “Objective” (R §26) means first “the immediacy of existence<sub>D</sub> as *external* existence [*Existenz*]” (ibid.), and thus describes “objectivity” (ibid.). Here, objective is understood as a specific mode of existence, which can contain, for example, spatio-temporal determinations or intersubjective accessibility, empirical verifiability, and so on. This use of objectivity – Hegel concludes – preserves its meaning in opposition to the mere inwardness of the not-yet-carried-out end, and is itself “the one-sided form opposed to the subjective determination of the will” (ibid.). Related to the subjectivity of the end as “merely inward,” “the will does not become *objective* to itself in this sense until its ends are fulfilled” (ibid.).

*Objective<sub>2</sub>.* With “the objective will,” Hegel also understands – and this appears to be a special use by him – the will that does not have “*the infinite form* of self-consciousness” (R §26). This will is “immersed”



(ibid.) in objects or circumstances, and lets itself be determined by the constitution of objects as they are, “objectively,” independent of its self-determination. As examples of this “objective will,” Hegel names the childish, slavish, superstitious, and ethical wills. It may help clarify this use to think of Max Weber’s concept of “traditional action.” Hegel’s concept of freedom, which in one meaning can be applied to content (namely, to those contents of action that are the “existence<sub>o</sub>” of the will), allows us to speak here of the free will. This traditional, “objective” will, when it relates as ethical will to “objective customs” as its content, relates itself to itself, and is therefore in-itself free. “Traditional” action would then be an expression of freedom not because a subjective will decides therein on something, but rather only because the content of this “objective will” – in the shape of the ethical will – is itself “the existence of freedom.”<sup>42</sup>

This second determination of “objective” wins its meaning through the opposition to the first use of “subjective,” which describes the particularity of the content and of the reasons of an individual will. This “objective will” acts according to ends that to him are objectively valid, but to which he does not relate himself in a free, self-conscious manner. The examples that Hegel names document the arbitrariness of the content: The ethical will as a shape of the objective will stands here at the same level as the superstitious will. The purpose served by placing them on the same level is clear: Hegel would like to show that this meaning of “objective” itself designates a deficient shape. Here, no distinctions can be made regarding the quality of the content through the will itself – in this sense of the objective will, the most defensible ethical practices and the most irrational superstitious rules of conduct can be equally recognized as unquestionable authorities.

*Objective<sub>3</sub>*. The “*totally objective will*” (R §26), on the contrary, is “The will, in so far as it has itself as its determination and is thus in conformity with its concept<sup>43</sup> and truly itself” (ibid.). Hegel characterizes this

<sup>42</sup> In the sense of the terminology chosen here, traditional action is therefore not action. The objective will actually belongs to the shape of freedom being-in-itself, so that traditional action presents a problem for Hegel’s theory precisely in those actions that have grown natural through custom or habit. Hegel’s difficulties in marking off modern subjectivity from the ancient, and in integrating individuality and freedom of decision with his concept of ethical life, find an analogue in action-theory here.

<sup>43</sup> Here one must keep in mind an unusual feature of Hegel’s terminology. In one use of “concept,” it can be said that each “thing” can be adequate to its (for each special)

will with the same features that were before assigned (in R §§22-24) to the “will that has being in and for itself” (R §22). This meaning of “objective” is not simply set over against the speculative meaning of “subjective” as the “subjectivity” of the will. Much more lies behind Hegel’s choice of concepts: It also means that “in conformity with its concept,”<sup>44</sup> this “totally objective will” “has itself as its determination” (R §26). The form of subjectivity that belongs to the will as concept is contained therein “as freedom *with inward being*” (R §26).

In opposition to the simply “objective will,” the “totally objective will” is therefore not only “objective,” not simply determined by the pre-given content. Rather, it determines itself in a free manner and freely decides on contents that are pre-given for it (culturally, among others) and not fully arbitrary. This constitutes the difference with the subjective will. But this will is “totally” [*schlechthin*] objective only when it relates itself to content in which it simultaneously relates to itself and knows that it does so. Hegel has in mind here, for example, socially recognized ethical practices (cf. R §§144 or 151), values, and virtues that are determined as the “objective sphere of ethics” (R §144), as the “substance made *concrete* by subjectivity *as infinite form*” (ibid.).<sup>45</sup>

If one now looks at the commonality of these three meanings of “objective,” one can see that they all have the feature of not being subjective and not being formal. Two of the three meanings are mere oppositional concepts to the corresponding uses of “subjective.” These two have in common the idea that “objective” means being a matter of content, not of form. The meaning of “objective” in the speculative use, however, does not merely stand over against the meaning of “subjective” in the speculative use, but rather integrates the latter into itself. Here, “objective” means the unity of form and content. It also means thereby

concept. But also – and this is Hegel’s second use of “concept” – a particular object can also be meant, which once again best names *the concept*. In Hegel’s terminology, one can therefore say that *the concept* can also be adequate to its “concept.” On this difficulty, see Horstmann 1984, p. 69 f.

44 In Hegel’s explication there is also a fourth meaning of “objective,” which designates what can be called a “metalinguistic” use. Something is “objective” in this sense when it is adequate to its concept. Hegel’s remark on the transition (cf. R §26) of the determinations “subjectivity and objectivity” (ibid.) into one another has therefore the meaning also that objectivity belongs to subjectivity as the concept of the will. Because of this metalinguistic character of “objective,” I have not taken it up on its own here.

45 At this place, of course, there arises the problem of the standard for the valuation of the “objectivity” and rationality of forms of life. Without wanting to go here into this difficulty, I will note that Hegel’s reflections on this problem are not satisfying.

the sublation (as *elevare*) of subjectivity through the negation of the formal as a limitation of subjectivity itself. But subjectivity as the form of the concept is emphatically maintained therein. This connection reflects both aspects of the development in the sphere of Morality that I have presented.

I should note here also that this constellation of the concepts “subjective” and “objective” clarifies what Hegel means when he describes them as “determinations of reflection” (R §26) whose meanings mutually imply each other, establish each other, and pass over into each other. The precise meaning of the concepts always results from the constellation in which they stand (this is how we should understand Hegel’s remark in §26). But the will, in which both of these moments exist, can as a whole “be known only *as the concrete*” (ibid.) – that is, as a unity of these determinations, which only in their entire constellation allow one to grasp the meaning of the will *qua* concept.

In the next chapter, I will more precisely determine *one* such constellation by analyzing the concept “content” as the “expression of the subjective will.”

## INTENTIONALITY

### *The Form of Subjective Freedom*

In his analysis of the formal character of the subjective will, Hegel employed the concept “content,” and connected it with “end.” Determining a content as an end derives from the fact that the content of the subjective will remains indifferent to whether the form is subjective or objective; the content is “The simple *identity* of the will with itself in this opposition” (R §109). In the context of the subjective will, Hegel understands by “end” the following (the emphases are Hegel’s):

End is  $\alpha$ ) content in me *as* subjectively determined – representation –  $\beta$ ) determined to be objective – and to remain the same. (R §109R)

What can be inferred from this marginal note is that an end is a content that “as subjectively determined” is also determined “to be objective” – and as mediated in this realization through the activity of the will – “to remain the same.” Obviously this description relies on determinations that Hegel gives to the concept “content.” It is therefore necessary to investigate Hegel’s use of this term and the special meaning of this concept “within the moral point of view” (R §110). The use of the concept “representation” indicates that with “content,” a cognitive component will be at issue.

*Content vs. Need.* In the marginal notes to §§108 and 109, Hegel makes the following remark: “Here content first comes to the fore as such.” In these notes, Hegel also makes the statement (Hegel’s emphasis):

Formal determinations of content. Subjective will has a content – earlier mere need – not a question of whether it was right, – but now *content* exists as content of the will, and therefore essentially. (R §109R)

Hegel begins here to define content by establishing a boundary between it and a shape developed earlier in the System – the “need.” What “earlier” – namely, in the philosophy of nature – was “mere need” is now further conceptually developed into the “content” of the subjective will.<sup>1</sup> The concept “need” is introduced by Hegel in the philosophy of nature and used together with the concepts “drive” and “instinct” in order to explain the conduct of animals (as *only* living beings). The correspondence to the “content” of the subjective will is that the “need” also has “initially merely subjective form,” (E §360) and the drive is “the activity” (ibid.) of sublating this “deficiency” of the merely subjective. The difference with the “content” of the subjective will lies in the nature of “instinct ( . . . ), purposive activity effective in an unconscious manner” (ibid., mod.).<sup>2</sup>

The difference between the activity of instinct and the activity of the subjective will is clear: The subjective will is conscious to itself of its freedom, and *decides* on a matter, which thereby becomes content, and should be realized as end. This knowledge of one’s own freedom, which is involved in each expression of the subjective will is displayed according to Hegel in the subjective will’s having a “representation” of

- 1 At this point, I should call attention to a difficulty: How should we think of the relationship of earlier and later shapes? “Need” is related in the philosophy of nature to a “drive as only in a living being” (E §360), namely as “instinct ( . . . ), purposive activity effective in an unconscious manner” (ibid., mod.). In the subjective will, on the contrary, “representation” and thereby conscious purposive activity is always involved. The difficulty that now arises consists in deciding whether this representational element forms an additional component, which is then added to the already analyzed phenomenon at a logically previous level of the system, or whether through the involvement of the representation an entirely new phenomenon is generated. This is not only a difficulty for Hegel, but rather for every philosophy of mind. In my view, the problem at issue here is whether or not certain mental phenomena can be explained through the interaction of other, more basic phenomena, and reduced to the latter.
- 2 I should mention again some terminological definitions: “Need” is the matter of a striving without representation; it is not freely chosen and not propositionally structured. “Content” is the matter of a subjective will with representation; it is freely chosen and propositionally structured. “Matter” is the neutral term over against need and content, and contains both. I will also mention again the (already introduced) alternatives in the theoretical construction. The first possibility runs like this: The free, spontaneous directedness to a matter propositionalizes this to proposition p. This proposition is then further formed in the theoretical mode into “that p is,” or in the practical mode into “that p should be,” where p designates an identical moment in both modes. The second possibility runs like this: There are two kinds of free, spontaneous directedness, where one generates the proposition p and the other the “practition” q. The latter concept is a term borrowed from Castañeda.

the end to be realized (Hegel's emphasis):

Willing in morality as something that I *know*; it stands beforehand in me, as placed before me, *before* realization – theoretically. Subjective will.” (R §113R)

While a need “mechanically” (R §119R) provokes the activity of an animal, the subjective will decides to posit a content as its end. His freedom for himself is manifested therein. At the same time, it brings the content into a “universal” form, for the subjective will operates freely through the universal moment of the will. This universal moment of the  $I = I$  is the thinking self-reference in the will, the theoretical element of willing.

Hegel's argumentation begins with the assumption that matter becomes content through the decision of a subjective will. This freedom of the will has its origin in the universal moment of the will as thinking self-reference. A self-reference is already in-itself contained in the will in the widest sense, but this theoretical component of will first becomes for-itself when the will in the narrower sense has a representation of the end to be realized. The free space for the decision is created if this theoretical moment is present, since the end is already represented for the subjective will before the realization.<sup>3</sup> Freedom of decision therefore, implies the theoretical component of representing, but it is also the becoming-for-self of the being-in-itself freedom of the will. Therefore, the moment of thinking, or more precisely the moment of representation, is that which constitutes the difference with need. Through this moment, the content itself contains the character of the universal; it receives, as Hegel says, a rational form.<sup>4</sup> This propositionalization of the need into a content is limited, however, to the form, whereas the content (the material) of the content itself – Hegel speaks of an inner content – need not yet be adequate to the form. One could say that every possible matter<sup>5</sup> can be brought into the form of the content – into rational, propositional form. This discrepancy between the form

<sup>3</sup> This representation consists in having a first-person proposition, as we shall see in the analysis that follows.

<sup>4</sup> The section “Form and Content” in Hegel's logic expresses this relationship in the claim that the content itself has “first a form and a matter” (LII 75, M 455), whose “unity” it is. The form of the content itself, as opposed to the form as such, is understood in this book as “propositional structure.”

<sup>5</sup> “Possible” thus means here a matter on which I can freely decide.

and the content of the content is a further expression of the formal character and the ambivalence of the entire sphere of Morality.

In the following paragraphs, Hegel analyzes the “more precise and distinctive determination” (R §110) that the “identity of content” possesses from the moral standpoint. This distinctiveness is the indifference, affirmed in §109, toward the “opposition” (R §109) of subjective and objective form. Hegel characterizes this “moral standpoint” once more as the standpoint “in which freedom, this identity of the will with itself, is present *for the will*” (R §110). It is also clear from the “*for the will*” why Hegel carries out the analysis of this determination partly in the first-person perspective, for that perspective displays the distinctiveness of moral freedom. Since “action” is determined as the expression of the subjective or moral will, Hegel in this “*for the will*” expresses a distinctiveness of actions: the specific form of knowledge of acting in intentional actions.

## 2.1 The Form of the Knowledge of Action

Hegel formulates the first “distinctive determination” (R §110) of the sphere of Morality – that is, of the “identity of content” (ibid.) introduced earlier – in the following way (Hegel’s emphases):

- (a) The content is determined for me as *mine* in such a way that, in its identity, it *would contain* my subjectivity *for me* not only as my *inner* end, but also in so far as this end has achieved *external objectivity*. (R §110, mod.)

One sees clearly here the opposition of subjective “inner end” and “external objectivity,” which corresponds to one pair of the determinations of reflection “subjective” and “objective.” The “identity” of the content consists in being indifferent toward the difference of the form. If “identity” is exclusively determined in this manner, then it characterizes the matter of the will in the widest sense (as “activity”), and cannot be the “more precise and distinctive determination” (ibid.) we are seeking. In the passage just quoted, Hegel uses “for me” twice, and the natural suspicion is that we should seek in those uses the “identity of the content (. . .) from the moral standpoint.” In what follows, I will investigate using various reformulations just which functions the use of “for me” fulfills. I will be guided by the thesis that this “distinctive determination” can be grasped as an analysis of *intentionality*. It is incumbent on me to

explain whether the double<sup>6</sup> appearance of this locution is redundant, or whether different aspects of intentional action are thereby registered. The first interpretive step will be to investigate what meaning Hegel's statement in the quoted passage receives when both instances of "for me" are eliminated. In this way, we can discover, by reintroducing the eliminated elements, which function the newly introduced element fulfills.

*The Elimination of the "For-me."* If both instances of "for me" are eliminated, Hegel's statement has the following shape:

(*Sentence 1+*) The content is determined as mine in such a way that, in its identity, it would contain my subjectivity not only as my inner end, but also in so far as this end has achieved external objectivity.

In order to make the grammar of *Sentence 1+* more transparent, I will add the locution "my subjectivity," since it is related to two parts of the sentence.

(*Sentence 1\**) The content is determined as mine in such a way that, in its identity, it would contain my subjectivity not only as my inner end, but also would contain my subjectivity insofar as this end has achieved external objectivity.

In order to eliminate the first-person perspective, I will also replace Hegel's formulation of "my ..." with "... of X." Thereby, the locution "for me" is changed to "for X."<sup>7</sup> Finally, I change the subjunctive to the indicative.\* *Sentence 1\** then takes the following shape:

(*Sentence 1*) The content is determined as the content of X in such a way that, in its identity, it contains the subjectivity of X not only as the inner end of X, but also contains the subjectivity of X insofar as this end has achieved external objectivity.

6 There is in fact a triple appearance at issue here. I will say more on that later, when Hegel's statement in the formulation *Sentence 3* is developed.

7 It should be clear that in the realm of the terminology introduced here, "X" is assigned to the set of subjects, or – in Hegel's terminology – the subjective will is the ground of "X." I use the locution "for X-itself" instead of the shorter "for X" in the reintegration steps in *Sentence 2* and *Sentence 3* in order to indicate the reflexive, self-referential character of the locution in the instances analyzed there. Cf. on this point Castañeda's conception of quasi-indicators.

\* Nisbet elides the subjunctive ("would contain") in his translation; I have reinserted it in the original quotation here.



With these substitutions, it is now clear that the current *Sentence 1* gives a meaning of “end” that, according to Hegel, sublates the formal difference “subjective” – “objective,” so that the content of the end is “indifferent” toward this difference.<sup>8</sup> This becomes even clearer through Hegel’s reminder of the determination of “identity” in §109. For that reason, we also find in *Sentence 1*, the formula “in its identity.” One must of course explain what it could possibly mean that an end “contains” the subjectivity of X, or even that this “being contained” is given for X itself. But I will postpone this question until the analysis of Hegel’s concept of action, and first work out the distinctiveness of the moral sphere. Later I will more precisely determine the way in which subjectivity is “contained” in the matter of ends.

### 2.1.1 *Self-Ascription*

THE FIRST INTEGRATION OF “FOR X HIMSELF.” In the second interpretive step, the first appearance of “for me,” which was replaced with “for X himself,” will now be reintegrated in *Sentence 1*:

(*Sentence 2*) The content is determined for *X himself* as the content of X in such a way that, in its identity, it contains the subjectivity of X not only as the inner end of X, but also contains the subjectivity of X in so far as this end has achieved external objectivity.

This first occurrence of “for X himself” expresses the idea that X believes that the content in question has the form of an end, so that the activity mediating between the subjective and objective form is interpreted by X as purposive activity, as the realization of an end.<sup>9</sup>

In what follows, I will speak of “belief” rather than “knowing” in order to allow the possibility of error. In doing so, I am not using the difference between “belief” and “knowing” to indicate that the concept of belief is limited to contexts in which there can be no “knowledge,” in which the question of truth makes no sense. I only mean that “knowledge”

8 At this point, it is important to keep separate two kinds of use in Hegel of the concept “end.” On the one hand, “end” means the *form* of the matter of the will, for according to Hegel the “will is in general ( . . . ) form of end” (R §8R). But then Hegel often also means by end the *matter* itself, such as when he speaks of “particular ends” or ends in the plural. These expressions refer to the first meaning. Hegel was fully conscious of the difference of his uses, as is clear in the marginal notes to R §119.

9 The concept “realization” has a process-sense and a result-sense, which Hegel himself does not, however, distinguish. This multiplicity will be thematized in the later analyses of §§115–118. In this investigation, I will always use the process sense, and will explicitly note any exceptions.

should be understood as “true belief” – that is as “(belief, that p) & p.” It is appropriate to talk here about “belief” because the agent can be in error. The language of belief also registers a nuance of Hegel’s use of the subjunctive, which he would no doubt blame on the *Sollenscharakter* of morality.

This meaning of “for X-himself” indicates the difference from instinct (cf. E §360). This first occurrence already reserves for the thinking, representing will the phenomena I analyze in what follows; this use separates conceptually those activities that have their roots in the drives alone, and in which the will in its narrow sense does not take part. Further, and this is why here “for X himself” and not only “for X” is inserted, Hegel with this first occurrence also means that X believes that the action just carried out is *his own* purposive activity. X believes that *his own* activity is purposive activity in which an end is realized. To satisfy Castañeda’s analysis of the logical form of quasi-indicators (which is linked here to Hegel for purposes of explication), *Sentence 2* must actually have the following form: X believes that X-himself has a content, of which it is valid that it (the content) in its identity not only (and so on). In this formulation, it becomes clear that *Sentence 2* also produces an indirect context, for which the quasi-indicator “for X himself” is appropriate. In the following, I refrain from using this more explicit formulation only in order not to give up the proximity to Hegel’s original formulation. But it is always possible to bring the introductory part, which is given here only in abbreviated form, into the explicit form just discussed.

SELF-ASCRPTION: AN EXCURSUS. We can call the distinctiveness of the acting consciousness I have just analyzed the self-ascriptive character of the knowledge of action. I should note that the entire sentence stands in *oratio obliqua*, since it describes an epistemic attitude of X. This may be a further reason for Hegel’s use of the subjunctive and the reason for the choice of the first-person perspective. At issue is a belief in which X ascribes something to himself. In the formula “I believe, that I . . .,” the universal moment of the will is again present, since the formula contains a self-identification. This self-referential moment, which is always contained in “I,” first becomes clear in the use of the third-person perspective, since there the simple use and the quasi-indicative use diverge. That is also the reason why in the earlier analysis I eliminated the first-person perspective. Current theories of action attempt in two alternative ways to analyze those features of intentional action that I am calling its “self-ascriptive character.” One strategy, followed by Lewis

1979 and Chisholm 1981, analyzes this self-ascription as a relationship between a subject and a characteristic, which – especially in Chisholm – is designated through “direct” self-ascription. Self-ascription belongs, according to Lewis and Chisholm, to all ascriptions of belief. The alternative strategy is to admit “first-person propositions” – that is, propositions whose name contains, in a non-eliminable way, the indexical expression “I.” According to advocates of this strategy, the meaningfulness of these propositions can only be *completely* grasped by the subject’s currently thinking the proposition (cf. Perry 1983, p. 24 ff.). This conception of the “first-person proposition” has been further developed by Castañeda. For the debate between these two strategies, compare the articles from Castañeda 1987a and 1979 with Chisholm 1981 and 1989. Hegel’s analysis of the concept of action is “connectable” to both conceptions, since he endorses both the (direct) self-referentiality and the subjective character of this belief-content. Both features are in fact preserved in the alternative strategies, even if they are interpreted in different ways. I should also note that my interpretation of Hegel’s concept “content” seems to lead to the conclusion that the conception of the first-person proposition is closer to Hegel’s theory. But that is not so: As Chisholm shows, first-person propositions can be reduced to, or rather produced from, the theory of “direct attribution” (cf. Chisholm 1981, p. 27 ff.). From the ontological perspective, Chisholm’s theory is certainly closer to Hegel’s conception. But in this book, it is only important that Hegel’s concept of action contains elements that play an important role in current debates.

The belief of X that an activity is *his own activity* is, however, only a necessary condition for an activity to be an expression of a subjective will. The determination expressed in *Sentence 2* is sufficient only for conceiving of an activity as an expression of the free will (in the narrow sense). It is not sufficient for grasping the “distinctive determination” (R§110) of the identity of the content from the moral point of view. This becomes clear in that the activities of the “objective will” I have already discussed also fulfill the conditions of *Sentence 2*. If one imagines a case of traditional action – for example, a humiliation demanded by sacred rite – the “objective will” that is active therein fully believes that it realizes an end in fulfilling the ritual. Nonetheless, the “objective will” stands in opposition to the “subjective will,” as we have just seen. Therefore, the determination formulated in *Sentence 2* cannot be sufficient for the distinctiveness of the “subjective will.” The being-for-self of freedom is missing. The mere grasping of an activity as (one’s own) purposive

activity is not sufficient for that.<sup>10</sup> The distinctiveness we are looking for must therefore come from the second occurrence of “for X-himself.” This second occurrence cannot, then, have the same meaning as the first.

### 2.1.2 *Intentionality and Freedom Being-for-itself*

THE SECOND INTEGRATION OF “FOR X HIMSELF.” The third and final interpretive step brings the insertion of “for X himself” into *Sentence 2*. The phrase appears twice in the text because of Hegel’s use of a “not only ( . . . ) but also” construction:

(*Sentence 3*) The content is determined for X himself as the content of X in such a way that, in its identity, it contains the subjectivity of X *for X himself* not only as the inner end of X, but also contains the subjectivity of X *for X himself* insofar as this end has achieved external objectivity.

The belief ascribed to X now receives an altered matter with respect to *Sentence 2*. Two additional components will now be integrated. First (a), the *inner end* of X should contain the subjectivity of X for X himself. Second (b), the content should also be constituted in this way in the form of *external objectivity*.

THE INNER CONTENT. The demand that the inner content contain the subjectivity of X for X himself has two parts. The demand expresses (i) the being-for-itself of the freedom of the subjective will: the belief of X that he decides freely for himself on a content. The first meaning of “the subjectivity of X for X himself” is thereby determined – so runs my interpretive suggestion – as the belief of X in his own *freedom of decision*. This moment of freedom of decision is specified by Hegel as the moment of the subjectivity of the will; the belief of X in this freedom is therefore the becoming-for-itself of this moment. This belief – that one can distance oneself from each content and decide on each content – distinguishes the subjective from the “objective will” (in the sense of R §26), since for the latter, no decision on the matter of his act takes place. In this sense, he is “slavish.” The demand also (ii) includes the claim that the inner end is given to the subjective will in an interpretive, subjective perspective. The subjectivity of X is also therefore for X himself because the content takes on the form of the *inner end* through

<sup>10</sup> Another example would be that of the “wanton” from Frankfurt 1988, p. 16. One can say, pointedly, that the “objective will” has freedom of action, but no freedom of will. A good overview of the discussion of the connection of freedom of action and of will is given by Watson 1989 and Shatz 1986.

the individual perspective of X on the matter of the end as such. This is shown in Hegel's determination of "Purpose" and "Intention" as the knowledge of agents (cf. Section 4.2). While (i) and (ii) express the ways in which subjectivity is contained for X himself as a belief, there is further (iii) a practical dimension of this containing relationship: the right of the subjective will in the valuation and attribution of actions.

**EXTERNAL OBJECTIVITY.** The second component that is supposed to be integrated in *Sentence 3* deals with the content in the form of *external objectivity*. The subjectivity of X is also supposed to be "contained" in this form for X himself. As with the two ways given earlier for the being-contained of subjectivity for X himself, there are also two ways here: (i) the valuation of the proposed existence<sub>D</sub> in light of the agent's own intentions, and (ii) his own interests and welfare realized therein. There is also here a further dimension (iii), which refers to other agents: they accept the notion that in my actions, I strive for my interests and my well-being (cf. Sections 4.2 and 5.1).

The second component (b) presents some additional difficulties not encountered in the first (a). I will first offer an argument from the systematic concerns of Hegel's philosophy in order to explicate the complications of the second component. I will then inquire into the explanatory worth of Hegel's construction, and investigate the phenomena that can be grasped with this differentiation. This second approach, which tries to evaluate the explanatory worth of Hegel's theory without recourse to the System, will be carried out in three steps.

**AN ARGUMENT FROM THE SYSTEM.** There is an argument from the systematic structure of Hegel's philosophy for the second component in *Sentence 3*. Since the matter in the form of an end is indifferent toward the formal difference, toward the subject-object difference, this distinctiveness is valid for each expression of the will. If now the distinctiveness of the determination of this identity of the content is supposed to be unfolded from the moral standpoint, then the distinctiveness of the will on this level must, in order to be subjective and thereby freedom being-for-itself, also find expression on both sides of the formal difference. If this did not succeed, the content as content of the subjective will would no longer be indifferent toward the difference of form. The subjective will would then no longer be a complete shape of the will; it would no longer be a determination of the concept. This would have serious consequences for Hegel's systematic structure: The subjectivity of the will would then only be formal, no longer the form of the will itself. The entire conceptual construction of the theory of the will would

suffer: The subjectivity of the will as *form* could no longer be identified with the subject as the *existence*, of this form, nor would morality have a right of its own. Ethical life would no longer sublate morality, but would only negate it. We should not overlook the fact that this would also have consequences for Hegel's political philosophy.<sup>11</sup>

PHENOMENA. Despite this argument from the System, there remains the question of which phenomena can be grasped through the integration of the second component in *Sentence 3*. Which differentiations inside the phenomenal realm can be comprehended thereby? In what follows, I will investigate the possible differentiations through an analysis of the expression "contains the subjectivity of X."

Taking, in a *first step*, "organic individuality" (E §350) as once again the opponent of intentional action, one can say with Hegel that the "organism in its process outwards preserves inwardly the unity of the self" (ibid.). Organic individuality, determined as "subjectivity (ibid.)," contains subjectivity as an organism, since the "purposive activity effective in an unconscious way" (E §360, mod.) preserves the organism. At the same time, the organism is the external objectivity of the subjective needs. "Contains" here means that an organism is constituted precisely through unconscious, self-purposive (and thereby subjective) activity. The organism is admittedly the external objectivity of the "inner purposiveness" (ibid.), yet the animal has no thinking relationship to this realization of his subjectivity – it does not relate to itself in a free manner. But as little as the "need in general" is known by the animal as inner end, whose realization is the satisfaction through the drive and which preserves its external objectivity in the organism, just as little is an individual need known as such an inner end. The concrete satisfaction is therefore not known as the *realization* of this inner end; the animal merely no longer senses a lack, and adjusts its activity accordingly.

Take now for comparison, in a *second step*, the "objective will" I have already discussed several times. This will has the consciousness of its content as end, and can comprehend its act and the situation produced through this act as the realization of this end. That is, when questioned, the agent can describe the act in terms of the end. Thus, such an objective will could, for example, say that its act is a realization of ritual A, or that the current situation is the result of this realization. Subjectivity is "contained" in the external objectivity of the situation, because the

11 Compare on this point Tugendhat 1979 and the critique by Siep 1981 and 1982.

“objective will” was a cause of the coming to be of that situation. An explanation that an ethnologist, for example, could offer, must refer to the conscious activity of the objective will and to its attempt to realize an inner end. But the subjectivity of the will in such a case would be “contained” only objectively, as conscious purposive activity. The ethnologist would not have to pay attention in this case to the individuality of the agent. A conventional model of purposive activity is ascribed to the agent, and the process is explained without going into the particular motive of the agent.<sup>12</sup> In this sense, the particular subjectivity of the individual agent is not contained in the process. No reference need be made to it, since even the “objective will” itself does not have this dimension at its disposal, and therefore cannot use it to contest the description of the ethnologist.

Now one can in a *third step* also picture a situation in which, to explain the situation, reference must be made to an agent’s particular subjectivity. This always occurs when one must assume the individual decision of an agent about a concrete end in order to explain the coming to be of a certain situation. The free decision as expression of the subjective will contains the subjectivity of X in relation to the subjective form of the end. If the genesis of the external objectivity must be explained with recourse to the free decision, then subjectivity is also “contained” in the external objectivity. An explanation of a situation can also therefore be required to include the subjectivity of an agent because the situation has come into existence by the agent’s having interpreted a given situation in a specific way. This subjective interpretation, and not the objectively given situation itself, must in such cases be brought into the picture in order to explain the genesis of the result. For examples one need only look to the disputes that arise through misunderstandings.

Assuming both these modes of dependence together – explaining a situation with reference to the subjective perspective and to the decision of an agent – subjectivity in the external objectivity is, nonetheless, still not automatically contained in the situation *for the agent himself*. The last insertion of “for X himself” in *Sentence 3* demands a connection of the *description* of the created situation to both the free decision and also to the subjective perspective that caused the agent to bring about the new situation. There is therefore a demand that the created situation

12 Cf. the Tanner Lectures “Of Human Freedom” (= von Wright 1985). The concept of “motivational background” that I use in the following is a term borrowed from that work.

be so described that it counts as the realization of a content as the content was given for X in the form of the inner end. Nonetheless, I should add – and this serves to weaken the demand – that it suffices that the agent himself interpret the created situation in this way. This stems from the “for X himself,” already integrated into *Sentence 2*, which at the beginning of *Sentence 3* limits the entire connection to the perspective of the agent.

The interplay of the uses of “for X himself” integrated into *Sentence 2* and *Sentence 3* also sheds light on the difference between descriptions of a deed from the standpoint of legality and from the standpoint of morality. If one evaluates a created situation from the point of view of legality, then one assumes the free will of the agent. But the standard with which it is decided, for example, whether the signing of a contract is valid, does not refer to the perspective of the agent himself. We do not ask how a content as inner end is given to him, or which further intentions he follows with the signing of the contract, and so on. The agent himself first brings these levels of description into play when he claims that his deed was not only the act of signing a contract, but rather also the realization of a content that as an inner end has its basis in a subjective perspective that should be “contained” in the created situation.<sup>13</sup> If an agent makes the demand that a created situation be described *in this light*, then he demands that others see and evaluate the situation *from his point of view*. He also implicitly demands that the created situation be seen as arising in this subjective manner. He demands that it be seen as the result of his *action*, and not as the result of his *deed*. Such a demand, assuming its sincerity, presupposes the belief of an agent that the created situation is the result of his subjectivity being-for-itself, a subjectivity that endures in the external objectivity (is contained therein).<sup>14</sup>

*2.1.3 The Subjective Character of Intentionality.* Hegel’s decision to formulate §110 in the first-person perspective can be understood as an

<sup>13</sup> One can actually also bring out from this explanation as to why deception forms, in Hegel’s eyes, the first transition from the principle of legality to the principle of morality. The deceiver calculates based on the subjective perspective of the one to be deceived, whereas the deceived person afterward complains exactly that his subjective perspective was not “included.”

<sup>14</sup> Here one sees that the ability of others to understand is demanded through a theoretical validity-claim (truth of description), whereas the approval refers to a practical validity-claim (agreement of intention).



indication that the agent's perspective itself constitutes the distinctiveness of the determination of the identity of the content from the standpoint of the subjective will. The subjunctive that Hegel uses, which I eliminated in the analysis here, serves a double function. First, it brings to expression the idea that the paragraph contains the *condition* under which a content is identical for a subjective will itself. Further, it indicates that this identity is a mere *demand*, since it has turned out that there is the possibility of a difference of the various perspectives on a given situation. In §111, Hegel does not use the first-person perspective to formulate the same material. This can be viewed as a first indication that now "the more precise and distinctive determination" (R §110) of the identity of the content will be given in a way that does not include the perspective of the agent himself.

## 2.2 The Speculative Interpretation of Intentionality

The text of §111 of *The Philosophy of Right*, which I will quote in its entirety, runs (emphases in the original):

(b) Although the content does include something particular – regardless of where this may have come from – it nevertheless embodies, as the content of the will *reflected into itself* in its determinacy, and hence of the self-identical and universal will, ( $\alpha$ ) the inner determination of being in conformity with the will which has being in itself, or of possessing the *objectivity of the concept*; but ( $\beta$ ) because the subjective will, insofar as it has being for itself, is at the same time still formal (see §108), this is only a *requirement*, and it still includes the possibility of [the content] not being in conformity with the concept. (R §111)

We should keep in mind that Hegel employs within the concept of content a distinction between form and content. Therefore "content" cannot just be the opposing concept to "form," but rather must designate an already formed content. In this passage, the content of this content is not of further interest ("regardless of where this may have come from"). But the form in which the content is now present is specified through the logical determination of the will to which the content belongs. Hegel clearly splits the logical moments of the subjective will into two parts and derives consequences for the form of the content from each of these partial determinations. In the first part of my analysis, I will treat the "form," and in the second part, the "formal."

*The Form of the Content.* The determination of the content “to possess the objectivity of the concept,” more specifically “to be in conformity with the will that has being in itself,” follows from the logical determination of the subjective will as reflected into itself in its determinacy and as thereby “the self-identical and universal will.” I just subjected this determination, which is contained as a moment within the subjective will, to a more precise analysis. Important in the present context are the consequences that Hegel derives from this determination – namely, that the content of the subjective will makes the demand (according to its form) “of being in conformity with the will which has being in itself.” As a will that determines itself in a free way, the will cannot have any content that is not rational in form, that cannot meet the standards of legality and universalization. To have the “objectivity of the concept” can, however, only mean that the content is the expression of reason, and for Hegel this means having the form of a general rule, a law (cf. Section 5,2).

In a *Zusatz* (appendix) from Eduard Gans, included in the Preface to the *Philosophy of Right*, one most likely stemming from a lecture on natural right and political science from the Winter Semester of 1822/23 (cf. II III p. 91 ff), the lawfulness of nature is cited as its highest truth and the expression of its rationality. In contrast to the laws of nature, which are merely descriptive, the laws of right as posited by humans must be grasped. Hegel goes on to claim that because the laws stem from human activity, each individual – as a rational being – possesses the standard for what is right. Hegel here brings rationality and lawfulness into a tight connection – a connection that he had already asserted in the *Phenomenology of Spirit*.

To be the content of a universal will knowing itself as free, a content can only have the form of reason, which for the subjective will means the form of “maxims” (Wan §54).<sup>15</sup> The form that a content must have as an inner end of the subjective will is thereby determined as rule-governed. With this determination, Hegel follows Kant’s philosophy,<sup>16</sup> and goes beyond the thesis of propositionality.

Propositionality also implies that the action to be carried out is intended in a universal way, as a type of action. Thus, this intention can be

15 Compare on this point the article from Giusti, which illuminates the background of Hegel’s concept of action in the context of practical philosophy from Hobbes to Fichte (= Giusti 1987).

16 Cf. on this connection Willaschek 1992 and Kaulbach 1978.

fulfilled through an entire class of events. But it is not thereby claimed that in the content itself (in the semantic matter of the proposition), a type of action is intended (cf. Section 4.2.3). Above all, there need not be contained in the content a universalization clause regarding types of situations. A subjective end, “I will now eat this apple,” is *universal* in relation to the conditions of success: There are infinitely many ways of realizing it. But the maxim, “In all situations of Type A, I will carry out actions of Type B,” is not universal in this sense, but rather a general rule, a universalization of situation-types and action-types. It is a maxim because it remains a subjective rule: It is valid for a specific subjective will. If one universalizes it to all subjective wills, then one obtains a practical command in the spoken form of a universal imperative with a universal quantifier for subjects (“all subjects should have the following maxim: p.”). An example of an especially universal kind would be Hegel’s “Be a person and respect others as persons” (R §36). This statement has the status of a “commandment of right” (ibid.). These universalizations are commandments, and not laws, because they have a prescriptive, not a descriptive, character. The practical commandment as a maxim that demands recognition by all subjects remains for Hegel formal and subjective, for it is a demand of an individual subject on all other subjects. Morality arrives, as Hegel writes in the third part of the Morality chapter, only at a “subjective universality.”<sup>17</sup>

*Formal Agreement.* In the sphere of Morality, the will is now reflected into itself in its determinacy, but as subjective will it is also “at the same time still formal” (R §111). This formal character of the subjective will is responsible for the form of the content, but not for the content of the content, being determined through the universality of the will. The correspondence of the form and content of the content is a mere “possibility”: On the level of Morality, the content therefore still contains “something particular,” something that can be taken “from anywhere.” This arbitrariness is an expression of the formality of the subjective will, and opens the possibility within Hegel’s conceptual construction of the content of the content’s “not being in conformity with the concept.” But the “objectivity of the concept,” which the content already has as regards its form, also extends – in an altered meaning of “objectivity” – to the relationship of the form and content of the content itself. For

17 On the problem of rule-governedness and universalization, cf. Hegel’s interpretation of crime (Chapter 3).

the content in the form of the end, it holds that the content should likewise maintain the “objectivity of the concept.” The content of the content of the will *qua* concept stands under the “demand” that its form and its content correspond to each other. Thus there is a demand that the content of the content itself satisfy the condition on the form of the content – namely, to be universalizable.

From the standpoint of Morality, the conceptual correspondence is posited only as a *possibility*, which also implies the possibility of non-fulfillment. There can therefore be expressions of the subjective will that stand under this demand of unity of form and content of the content, but do not fulfill this demand. A deed can in any case also be grasped conceptually as the expression of a subject – that is, as an action – even when this demand is not fulfilled. I take the meaning of this conceptual determination to be that Hegel wants to affirm the Kantian thesis that actions always stand under the moral demand of universality of content (universality of their maxim), but need not always fulfill this demand in order to be grasped as actions (cf. Chapter 5). At the same time, this logical relationship of the form and content of the content, a relationship only of a demanded identity, is for Hegel the speculative explanation for the phenomenon of the moral ought, as well as the conceptual reason why morality itself cannot produce in itself the content that would satisfy this demand. The last point is of course the famous formalism reproach that Hegel directs at Kant. It is also the basic logical structure for the construction of the third section of the Morality chapter of the *Philosophy of Right*, in which this formal identity is driven forward, on the basis of its emptiness of content, from difference to the absolute opposition of evil and conscience. The explanation of the moral ought from the logical structure of the subjective will itself permits Hegel to avoid Kant’s solution, a solution that requires the opposition between reason and sensibility. The moral ought arises not from the difference of reason and sensibility, but rather from the logical structure of the subjective will itself.<sup>18</sup>

In the next to last paragraph, I mentioned that Hegel uses, with regard to the demand on the content of a subjective will, an altered meaning of “objective.” Although this cannot be directly inferred from the text of §111, the meaning of “objectivity of the concept” can be interpreted with regard to the content so that this objectivity simply means the correspondence of form and content. For Hegel, this is stipulated

18 But not, as will be shown, from the concept of action (cf. Section 5.2).

for the content because it is determined – as end – to be indifferent toward the difference in form. But “subjective” and “objective,” so one can gather from Hegel’s logic, are simply the difference of form and content,<sup>19</sup> where form and content themselves are in the end just *the difference* of the form itself.

THE ESSENTIAL DIFFERENCE. This point also connects §111 of the *Philosophy of Right* with the program of providing the “more precise and distinctive determination” (R §110) of the *identity* of the content. On the one hand, Hegel explicates why these determinations should be given in the subjunctive – as demands. On the other hand, he also derives from the identity of the content itself the demand on the content of the subjective will to be indifferent toward the difference of its form and its content. Taken together, one can describe the situation in which the content stands through the marginal note that Hegel himself added to §111 (Hegel’s emphases):

*Essential difference and relation to universal opposition of the objective as concept (by hand above: Universal – M. Quante) against particularity – unity is the demand. (R §111R)*

The difference is “essential” because the differentia – form and content – are, as determinations of reflection, internally related to each other; their difference cannot be conceived as a difference of two separate abstract entities that stand next to each other in an unmediated way. The sign of the mediation is just the *ought*.

### 2.3 Objectification and Intersubjectivity

In §110 of the *Philosophy of Right*, Hegel elaborated the relationship between the subjectivity of the will and the identity of the content. He then followed in §111 by analyzing the logical structure that characterizes the content as the content of an expression of the will free for-itself.

Hegel now develops the meaning for the subjectivity of the will itself of the content’s *indifference* toward the formal difference of “subjective” and “objective.” According to Hegel’s thesis, subjectivity in fact preserves itself through this difference of form. Hegel lays out the

19 Cf. on this point Rohs 1982, p. 181 ff. The form-content distinction is relevant in the context of my group of questions for the relationship of rationality/propositionality (form) and natural will (content). Here, Hegel sets out from the assumption that both “correspond” to each other. Cf. also Chapter 5.

consequences of the content's objectification occurring in a way that preserves the subjectivity of the will for the particular subjective will itself.

One can understand the function of the conceptual development in §112 of the *Philosophy of Right* in the following way: Hegel explicates the consequences of the indifference of the "for X himself" (the second integration) toward the difference of form. He also develops the way in which the subjectivity of the subjective will is objectified (Section 2.3.1), and attempts to show that a presupposition of this objectification is the existence of other subjective wills (Section 2.3.2).

2.3.1 *The Objectification of the Subjectivity of the Subjective Will.* We turn now again to the aspect of subjectivity itself. Hegel again formulates the text in the first-person perspective (Hegel's emphasis):

(c) While I *preserve* my subjectivity in implementing my ends (see §110), in the course of thus objectifying them I *at the same time* supersede [*aufheben*] this subjectivity in its *immediacy*, and hence in its character as my individual subjectivity. (R §112)

In the "objectification" of one's own ends – that is, in the translation from subjective into objective form – the subjectivity of the agent (that preserves itself therein) is also objectified *as subjectivity*. Subjectivity is carried over from the subjective form – as having-for-oneself an inner end – into the objective form as the "being-contained" for-oneself of subjectivity in an external, realized end. In this translation, the subjectivity "in its immediacy" is sublated through the activity of the subjective will itself; it thus loses the character of being only "my individual subjectivity." Subjectivity is not completely negated, but rather is negated only as the "one-sided form" (cf. R §25). Hegel specifies this one-sidedness with the term "immediate." Although subjectivity is negated in one of its meanings – the one that is the moment of immediacy in subjectivity – it still remains – in the other meanings of "subjective" – preserved.<sup>20</sup>

This self-sublation of immediacy through each "individual" subjectivity is given "at the same time" with the "objectification" of the end of a subjective will – it is always present when "I *preserve* my

20 This has its linguistic counterpart in the substitution of "I" through the quasi-indicator "for X himself." Here, too, self-ascription in the first person is objectified through the neutral third-person perspective, without being thereby eliminated.

subjectivity in implementing my ends.” This self-sublation can therefore be conceptually distinguished from the objectification, but cannot be materially separated from it.

In addition to this statement, in which the everyday understanding of actions as realization of ends is explicated, three further theses can be gleaned from Hegel’s text: First, he is saying that subjectivity possesses, in relation to the inner end (and therefore in relation to the end in the form of subjectivity), the determination of “immediacy.” Second, he equates this “immediacy” with the characterization of subjectivity “as my individual subjectivity.” Finally, the sublation of the determinacy “immediacy” draws with it the sublation of the character of being “merely individual” – a conditioning relationship that Hegel expresses through “hence” [*somit*]. This third point has already been touched upon, and will be further developed later.

(I) THE IMMEDIACY OF THE INNER END. In trying to discern the sense that the use of “immediate” can have in this context, the following interpretation seems to me enlightening: Subjectivity is seen here in the mode of givenness of an inner end for an agent. This *mode of givenness*, which is characterized through the predicate “immediate,” is the particular way in which a subject has information (knowledge?) about his own mental and propositional states – his inner ends, intentions, or wishes. This privileged access, which does not guarantee incorrigibility of content,<sup>21</sup> can be called “immediate” relative to other modes of being informed, since it is open to the subject without detours through mediating authorities. But the content given to the subject in this way is *not* incorrigible, because it is interpreted matter. The inner end is also “for X himself,” and therefore X can commit errors of interpretation. What is incorrigible is therefore only the knowledge of the *mineness* (the particular access), not the interpretation of what is accessed in this way.<sup>22</sup>

21 Cf. on this problem Rorty 1970 and 1981, especially Chapters 1 and 2. The concept of “knowledge without observation” used by Anscombe also belongs in this context, and explains the sense of the immediacy of knowledge of action. The close connection between current positions and Hegel’s concept of action has also been discussed by Taylor (cf. Taylor 1983, p. 4 ff.). In this connection, the concept of “inner sense” is also systematically relevant. Mohr has shown to what extent this part of the Kantian theory is relevant for a theory of consciousness and self-consciousness, including such theories in the current philosophy of mind (Mohr 1991 and 1992).

22 Hegel’s doctrine of the cunning of reason itself demands that there must be – at least philosophically – methods of correction with regard to the actual ends that, as interpretations, underlie an inner end.

The immediacy of mental states can have the sense of demarcating a particular mode of givenness even if no absolute knowledge of the content is implied by each subject's privilege in accessing his own mental states. The connection of immediacy with the determination of being "individual" becomes possible precisely when one does not demand that privileged access and incorrigibility necessarily belong together. The subjectivity of an agent is "individual" because an *interpretation* of the end (as inner end) is in play, an interpretation that is in principle open to criticism, though because of privileged access it is not directly accessible to others. Hegel's statement can be understood as saying that it is just the deficiency of the immediacy of the interpretive access to a matter that constitutes the merely "individual" subjectivity. Where there is room for error, for misinterpretation, the (conceptual) possibility of correction through others must also be given. But with the *form* of the inner end this is not possible – and so too the *interpretation* of a matter as inner end is primarily a task of the individual.<sup>23</sup>

According to my interpretation, Hegel's theory is that privileged access and incorrigibility are related only to the *form* of the content, to its being an inner end. In this sense, a subject cannot err *that* an end is *his*, that it is *his* mental state. But the content of this inner end is an interpretive act of the subject himself, an act that can falsely determine the matter of the end as such. But this error is first ascertainable when a realization of the end has taken place. One can think of cases in which other subjects (or also the agent at a later point in time) come to the conclusion that the agent falsely conceived the matter lying at the basis of his own motivation.<sup>24</sup>

(II) SUBLATION OF SUBJECTIVITY AS "MY INDIVIDUAL SUBJECTIVITY." In the moment in which the immediately subjective *form* of the purposive content is sublated, the abstraction of merely individual subjectivity is also dissolved; the interpretive activity of the agent becomes open to criticism because in the objectification, which is now no longer only accessible in a privileged manner, the activity should be

23 Primarily, but not exclusively, since education and upbringing have their influence here as well. One need think only of the experience of the affects, which evolve through education and habituation into character and habit. Here there is certainly also a social dimension in play.

24 I will not take up the question here of whether this interpretation is always determined through the form of life or whether it can also be private. This leads into the problem of a private language, which I cannot discuss here. For Hegel's own procedure, the question can also be ignored at this point, since Hegel produces his further conceptual development from the discrepancy between "immediacy" and the nature of the concept.



“preserved.” The particular subjectivity of the agent contained in the interpretation of his own state loses the deficiency of being merely of “this ( . . . ) individual” (R §112), and becomes the object of assessment of other agents. They can now test in an event whether the subjectivity of the agent is, as the agent maintains, actually contained therein. In other words, an observer can test whether a situation brought about through an action can be described as the realization of the intention of the one who has acted.

Of course, the agent himself can also make this critical (objective) assessment – for example, when he discerns that a result is a realization of an inner end and that he is nonetheless not satisfied. The agent can interpret such a situation in two ways: He can, first, come to the conclusion that he has been deceived about the matter at the basis of his inner end (example: I thought I wanted to eat ice cream, but now when it sits before me I notice that I would actually rather drink a beer). But he can also conclude that the matter itself has changed (example: when I ordered the ice cream, I really had a desire for it; now it is finally here, but in the meantime I have developed such a thirst that I would rather drink beer). A conceivable, third interpretation is excluded through (this reconstruction of) Hegel’s argument: The agent cannot assert that his inner end-positing has changed during the completion of the action. This is prevented through the claim that a content only has the form of an end when it remains identical throughout the realization – identical for the acting subject. Through the third (excluded) interpretation, the agent would simply be contesting the idea that the event is an expression of the *subjective* will.<sup>25</sup> The possibility granted here – that the agent himself can assume, with regard to his act, the role of

25 This can lead to problems with realizations of inner ends that can last over a long period of time. Would one still speak of *one* action if during the long-lasting execution the inner end altered somewhat for the agent himself? Or dramatically altered? Or was converted? As an example, one can think of a criminal who during a bank robbery acquires scruples over the (previously planned) taking of a hostage. The other aspect, when a subject rejects his action with the words, “My intention has simply changed,” is, in my opinion, less dramatic. One must only imagine how we treat a subject who constantly describes his actions in this way. We would in the end doubt that he can be at all conceived as a rational acting subject. This is, though dramatic of course for those affected, not such a grave problem for a theory of action because such cases would no longer be viewed as actions, though they would still be viewed (as with the bank robber) as deeds. But the first difficulty I named remains immanent to the theory of action. It is a central motive of plan-of-action theory (my terminology), according to which it must necessarily belong to the concept of the individual (individuatable) action to be part of a plan of action to be realized. The function of the plan is of course exactly to defuse the difficulty mentioned.

the objective observer, is no objection to Hegel's thesis that thereby subjectivity as "this individual" is sublated. As "this individual," subjectivity is restricted to a point in time and an interior perspective. In the later evaluation, this fixation on the moment of realization (expressed through the "this") is sublated. That this happens through the agent himself, who in this evaluation is again in a privileged position because he has the most information available to him (at least in the normal case), does nothing to affect the basic point.

In addition to these possibilities of error, there is yet a third. In Hegel's view, it is conceptually possible that an agent is deceived both with regard to the interpretation of the end at the basis of the action and with regard to the interpretation of a situation as the realization of his inner end. Both deceptions can so fit together that a successful realization is present for X himself. This would be an extreme case of self-deception, one that would no longer be correctable by the agent himself – at least not as an isolated individual case. But if there exists the conceptual possibility of this kind of "robust" error – here the error itself bridges the subject-object difference – then the perspective of other agents is demanded in order to redeem the demand of objectivity that arises through the translation of a matter from subjective into objective form.

In this case – one can think here, for example, of psychoanalysis or ideology-critique – there are theoretical chasms wide enough that one would probably be better to conceptually exclude such cases from the beginning. But in Hegel's construction, they are conceptually possible. To support this interpretation, one can look to two of Hegel's arguments that rest on the possibility of radical self-deception and the objective correction that follows. In the philosophy of history, Hegel asserts that "historical individuals," by following and realizing their (at the time) particular ends, in fact actualized other ends – namely, the objectively rational ones. In the analysis of commercial society, Hegel likewise conceives the "invisible hand" theory as one through which self-seeking action actualizes an objective end. The "cunning of reason" effective in both cases can only function when the following case exists: An end is present objectively (is realized) whose matter is different from the interpretation of the agent realizing the end, different both with regard to the subjective and to the objective form. The realization of this end must be interpretable by the agent in such a way that this interpretation includes a realization of his inner end.

We come now to the critical authority that can see through this error. The following consequences can be drawn from the teaching of the “cunning of reason”: There must be, in Hegel’s theory, a conceptual possibility that “behind the back” (Karl Marx) of the agent’s actualizing his own ends, the objective ends of reason realize themselves.<sup>26</sup> Even if one does not believe in the possibility of such an objective reason, an interpretation of the *Hegelian* theory of action must be able to demonstrate this conceptual possibility. The critical authority that in the end sees through the veil of subjective interpretations is, for Hegel, the speculative philosopher. For him, it is always presupposed that behind the subjective error, reason being-in-itself reigns. The case in which behind the deception something irrational is efficacious (psychoanalysis, ideology-critique) plays no role in Hegel.<sup>27</sup>

But even taking no account of the extremely strong thesis of a teleological description of a process completely lacking the subjective perspective of those taking part, the plausibility of Hegel’s construction remains preserved. For deception in both places – in both the inner end and in the realized situation – is certainly conceivable. One can correct an agent both with regard to the given motivation (example: be honest now, wasn’t it actually jealously instead?), and also contradict his view of things with regard to the realized situation (example: that is in no way a just compromise for your conflict, my friend!). And the psychoanalyst, for example, *must* start out assuming that the process of self-deception, through a coherent and self-stabilizing cluster of various errors, becomes opaque for the agent himself. It does seem, Hegel’s strong premise of an objective reason not included, to be impossible to carry out such a correction without again returning to the perspective of a subject, be it of the agent or of the one affected by the action.

2.3.2 *The Will of Others: An Implication from the Logic of Reflection.* If one understands Hegel’s analysis in the sense just outlined, then it becomes clear, even outside of the speculative logical context, where there exists

26 Pöggeler interprets the “cunning of reason” more weakly: According to him, it suffices “that that which the agents actually do goes beyond their primary motive” (Pöggeler 1982, p. 35). But this weak reading is not sufficient, since in Hegel’s account, the agents do not at all need to know what they do (cf. Löwith 1984, p. 23 f.).

27 Not only Hegel’s philosophy of history, but also his philosophy of the history of philosophy, rest on this interpretive possibility. It is likely that no teleologically conceived theory of cultural phenomena can entirely avoid this idea. Cf. on this problem Düsing 1983, p. 243 ff.

a conceptual connection to the will of other subjects. One key point is that the subjective mode of givenness, which stands internally under the demand to objectify itself, is not incorrigible in every regard. The other (trivial) point is the recognition through other subjects. Hegel continues in the text of the *Philosophy of Right* (his emphasis):

But the external subjectivity which is thus identical with me is the *will* of others (§73). (R §112)

This expression is not very precise with regard to the relationship of one's own and other perspectives on the realization of a subjective end. Hegel appears here simply to proceed by claiming that the will "of others" is totally identified with the logical relationship in which the immediate, individual subjectivity stands when it sublates its own immediacy in the objectification of its inner end. In the marginal note, Hegel also writes that the "existence<sub>d</sub> of the subject [is] essentially at once the will of others" (R §112R). The determination of this identity as *essential* indicates, at any rate, that Hegel means more here than a superficial equation of two phenomena compelled by the speculative System.<sup>28</sup>

These elucidations show that the subjectivity of others can come into play in two ways: as acceptance and as correction. Subjectivity is supposed to remain preserved in the realization of an end for a subjective will itself, and this happens if the end is (again) recognized, asserted, acknowledged as his own by the subject himself in the form of external objectivity. But this "preservation" is most plausibly understood as the agent's describing the created situation in a determinate way. The agent gives an interpretation of the present situation in light of his inner end, and describes it as the realization of the same. But this interpretation is always only one among several, in fact one among the infinitely many descriptions of the present situation. For that reason, it is in principle disputable. As *interpretation*, the description of a situation as the realization of an inner end already implies a *theoretical validity-claim*.<sup>29</sup> Such a

<sup>28</sup> Cf. Wood 1990, p. 136.

<sup>29</sup> It will be seen in the course of the analysis of Hegel's text that Hegel thinks a *practical validity-claim* is also made in actions. This claim consists in the implicit assertion that the rationality of an action brings its universalization along with it – that is, it is at least acceptable for other rational beings, even if not obligatory for them. That is of course a fundamentally stronger relation to the *will* of others than the one indicated earlier, which is oriented only toward the rational subjectivity of others. The answer to the question of whether Hegel could already derive this relationship here depends on how

theoretical validity-claim is – as Hegel would have said – “for thinking,” and thereby (at least) intersubjective. It demands the *acceptance* of other subjects. Further, as we have seen, in Hegel’s conceptual construction there is also the possibility of a self-deception that is not correctable for the agent himself. Even if the question of the possible standard must here remain unanswered, it is nevertheless clear that at this point, the *correction* of other subjects must also come into play. The theoretical validity-claim, and with that I mean the demand of an interpretation to deliver an adequate description of a situation (that is, a demand of theoretical truth), is implied in the *objectification* of the subjective will. If a subjective end is objectified, then this objectification is the fact by means of which the theoretical validity-claim can be tested. This helps clarify Hegel’s statement in the marginal note to §112 that the “objectivity (...) here [is] universal subjectivity” (R §112R). Hegel’s statement that “the will of others is the existence I give to my end” (R §112) describes the recognition of the theoretical validity-claim by other subjects. This recognition implies that other subjects posit the inner end (which is named for them by the agent) and the present situation in relation, and in such a way that they view the latter as the realization of the former. The content is thereby also indifferent toward the formal subject-object difference for the other subjects. In that they accept the validity-claim of the agent, they consider the content as accomplished through the realization; they must then of course also recognize that it was the action itself through which this translation came into being.

Hegel claims that in this process, the content is also thought of as end in another subject, so “the will of others is the existence” of the end itself. Through this connection, Hegel continues in the text of §112, the “basis of the will’s existence” (*ibid.*) is determined as universal “subjectivity.” The term “basis [*Boden*]” can be taken to mean “possible realm of validity.” But “existence” means here two things: First, it means

one conceives the logical determination of the subjective will as reflected into itself and hence as universal willing. If one interprets this self-relationship of the will already as *practical self-legislation* of the will according to the model of the Categorical Imperative (cf. Kaulbach 1978), then the practical validity-claim is already implied here. In the text, the logical structure of the subjective will is supposed to be developed independently from the model of the Categorical Imperative as practical legislation for the will of all rational subjects. It is, though, certainly correct that Hegel also has this imperative in mind with his conceptual construction. Nonetheless, the theoretical and practical validity-claims can be held apart, since one can differentiate between Hegel’s concept of action and his concept of the subjective will.

the individuation of a universal principle, whose individuations are at the same time self-standing against one another and “relative” (E §123) to one another – that is, they can only exist in reciprocal recognition. Second, this unity is only immediate; the “unity of reflection-into-itself and reflection-in-others” (ibid., mod.) is only posited as possible, not yet conceptually posited as “actual.” For the phenomenon thematized here, this means: The objectification of the subjective will as subjective succeeds only in its recognition through other subjects. But it does not, precisely for that reason, always succeed.

This identity of the individual with the universal, an identity within objectivity, is “essential” (R §112R) because both *relata* of this identity relationship already contain in themselves reference to the other *relatum*: Individual subjectivity is the particularization of universal subjectivity, since it is free self-determination and thereby the activity of the (speculative) universality of subjectivity. As abstract universality, the universal subjectivity is that through which all individual subjects can agree, but it is also (as concrete universal) the principle of free self-determination itself: Individual subjectivity is the particularization of this universal. The individual subject is thus the *function* of his free decision, or as Hegel himself formulates it (Hegel’s emphasis): “What the subject *is*, *is the series of its actions*” (R §124). But Hegel himself indicates in an even more precise way the *essential* relationship in which the individual will and the will of others stand to each other. He designates this relationship as “positive” (R §112).

AN OBJECTION. Before I can go into the more precise meaning of the “positive relationship,” I should discuss an objection that must be raised against Hegel’s arguments (one that I have already mentioned). I made explicit the relationship between the will of others and “universal subjectivity” (R §112R) with recourse to a *theoretical* validity-claim that was implicit *qua* interpretation. Yet we can see immediately that this leads only to the implication of a “universal subjectivity” and therefore to a theoretical capacity. Even if one must admit that the one standing over against the agent, as other, must himself have an understanding of what it means to realize a subjective end, Hegel’s assertion is still not vindicated. This self-understanding obviously requires the demanded universal subjectivity to not only be “a thinking,” but rather also “a willing” – otherwise the claim made through the action would be incomprehensible. But, and here lies the main difficulty, the one who stands over against the agent must relate himself only *theoretically* to his own competence as a subjective will. He must have a *knowledge* of what

it means to be an agent. But in no way, so runs the objection, must he be involved as a willing being.

A REPLY. It is therefore not clear how such a recognition is supposed to be related to another *will* and not only to another “thinking” (where this other thinking can also be the agent himself at a point in time after the completion of the action). There can be no doubt that Hegel does assume such a relationship to the will of others, and not just a relationship to the universal subjectivity as theoretical. More specifically, he writes in the marginal note to §112 that the “presupposition” or the “material” for the objectification of the individual subjectivity is the “other subjectivity” (R §112R), while he also writes that this objectification is, as “conditioned act,” a “bringing forth of an alteration of existence<sub>b</sub>” (ibid.) that Hegel interprets as “a determinacy that has a relation to the will of others” (ibid.). The question is now how this relationship should be conceived. Hegel himself in the text of §112 gives a reference from the section of “Abstract Right” in which the “disposal [*Entäußerung*]” (R §73R) of property is analyzed. For the question posed here – of the extent to which the objectification of the subjective will has reference to the *will* of others (and not only to the *thinking* of others) – the text provides no immediate answer. One finds instead the same identity statement Hegel gave in §112:

It is not only *possible* for me to dispose of an item of property as an external thing [*Sache*] (see §65) – I am also *compelled* by the concept to dispose of it as property in order that *my* will, as *existent<sub>b</sub>* [*daseiend*], may become objective [*gegenständlich*] to me. But according to this moment, my will, as externalized, is at the same time *another* will. (R §73)

As free in-itself, the will can relate itself to will-less objects as things, and make them into its property. The expression of this freedom, and the origin of property as a relationship of will, is the person’s belief that he is able to again draw back from each thing, from each determinacy of the will; he can take the will out again, so to speak, from the thing. In an immediate way, such a withdrawal would be like a person’s simply no longer viewing an object as his property, thus letting this object out of his power. According to Hegel, the will as “concept” is determined in such a way that all its determinations are at the same time modes of existence<sub>b</sub> and shapes (cf. R §32). “Property” is one of these modes of being of the will, one of its determinations, which therefore must as such become “objective.” This happens when an object is disposed of *as property* (that is, ceases to be the property of Person A) but does

not cease to be property in general. One can thus understand Hegel's thought process as guided by the idea that a thing becomes "property" of another free will, for only in relation to a free will can an object be property at all. The type of disposal cannot be one in which a particular will simply ceases to want a thing and so ignores it because of some particular feature. For the thing to be disposed of *as property*, the will must distance itself from it *as property*—and more specifically in a manner in which the thing retains the character of being property. It therefore does not suffice that the will of Person A withdraws from a thing as its property in such a way that the will of Person B would acquire the thing as something that has now once more become a mere object without a master. Rather, what is demanded is that (1) A dispose of the thing as property so that this thing does not cease to be property at any point in time, and (2) A disposes of the thing *with regard to its quality of being property*. The shape of this disposal is, according to Hegel, the contract. Only in a contract is a thing passed on as property from the will of Person A to the will of Person B without the object's ceasing in the process to be property, and without Person A's relating himself to the particularities of the thing as object. Of course, the last point does not mean that Person A could not, for example, sell an object because he no longer wants to make use of it. For Hegel, this is not a reason for allowing someone to dispose of the "particular thing" (R §73R). Hegel wants rather to bring out the conceptual difference between the mere loss of interest in an object and the contractual disposal in which its character as property alone constitutes the determination of the object. Person A's particular motive for the sale plays no role, as is appropriate for the principle of legality.

Such a disposal, we now see, presumes the existence of another *will* as a conceptual "necessity" (R §73). This act also involves the real "unity of different wills" (ibid.), a unity in which the wills "therefore relinquish their difference and distinctiveness" (ibid.) – they give up their particular motives. As regards the form, both wills are in a unity since they relate themselves to an object as property, and dispose of it as property. They have a common intention – for example, of exchanging two objects that are currently property and that remain so in merely changing their owners. The individual motives for the exchange are uninteresting for the character of the contract; for that reason, Hegel can also say that the contract sets out from the "arbitrary will" [*Willkür*] (R §75). And since the particular motives of the partners in the contract are not



“posited” in the *formal* identity demanded for the contract, Hegel can also claim:

Yet it is also implicit (at this stage) in this identity of different wills that each of them is and remains a will distinctive for itself and *not identical* with the other. (R §73)

One can summarize Hegel’s argument as follows. In a contract, property is disposed of as property. This demands the existence of another will, a will that understands (= theoretical component) and in a lawful contract, *practically* recognizes (= practical component) the function of an object – to be property – and the right of a person – to be able to be an owner. Only in this “recognition” (R §72R), and “by virtue of this recognition” (ibid.), as the “abstract unity” (ibid.) of two wills mutually respecting each other as owners, can we understand the kind of disposal of property *as* property demanded by Hegel’s systematic concerns.

Hegel’s analysis of contracts as relationships of will is also highly plausible independent of this systematic justification. The reference to the *will* of the other agent is in any case contained therein, as can be gathered from the elaboration here: There must be a common declaration of wills. The systematic point of identifying the objectification of the will with the will of others is the implication that there must be another will that is involved *as will* for a contract to be possible.

In the context of the self-objectifying subjective will, this result implies that there must also be a connection to universal subjectivity in which not only the theoretical, but also the practical, subjectivity of the other agent is involved. The importance of this Hegelian thesis is clear: *Hegel asserts a conceptual connection between the objectification of the individual subjective will (and thereby of actions) and the will of other subjects.* The question is whether we can determine such a connection by attending to the clues that Hegel offers.

THE RELEVANCE OF THE REPLY: A “POSITIVE” RELATIONSHIP. “The disposal of the property as property,” according to the result up to this point, conceptually demands an Other whose co-efficacy as a free will is necessary for the demanded realization of the will. “Action” in Hegel’s sense implies a universal subjectivity, the existence of other subjects (including potentially the agent himself at a later point in time) who are theoretically involved. But – so runs the question – how can an action also always refer in a practical manner to the will of others?

Hegel describes the relationship in question here as “positive reference to the will of others” (R §112).

The meaning of “positive,” it should be noted, is not unitary for Hegel. Without drawing on the meaning of this concept in the early writings, there are three uses in the *Morality* chapter alone. Hegel also discusses the “positive” – as conceptual background – in the greater *Logic* and in the lesser *Logic*. In the *Science of Logic*, Hegel introduces the “positive” and the “negative” in his treatment of “opposition” and “contradiction” (cf. LII 41 ff and 54 ff, M 424 ff and 435 ff), whereas in the *Encyclopedia* he discusses it only in the context of “the difference,” since there the “contradiction” is not separately thematized (cf. E §§119 and 120 and HE §§71 and 72).

In the *Philosophy of Right*, Hegel uses both the substantive and the adjectival form. In §112 and its *Zusatz*, “positive relationship” means just what it does – despite being in a different context – in §113; the marginal note to §119 includes the statement that “action [contains] something positive . . . a necessity positively grounded in knowing.” In the *Zusatz* to §121, Hegel speaks of the “positive content,” whereas §135 introduces the “abstract positive,” and in the main text and marginal notes of §140, Hegel designates the object of the will as “something positive.”

The different occurrences of “positive” or “the positive” can be divided into two groups: In one use (1), “positive” means the particular character of a content of the will – being positive for the agent. Every object of the will is in this sense a possession and thereby “positive.” Inside of this group, two types can be distinguished: On the one hand (1a), “positive” means a necessity derived from the structure of the consciousness of action (of the subjective will): the “I ought” of “duty.” On the other hand (1b), “positive” means just the character of what is intended, what makes it worth striving for; it designates the aspect under which an object is good for a specific agent, the aspect because of which he strives for this content. Hegel would like here to bring two theses together: Aristotle’s thesis that every action is a striving for a good, something worth striving for for the agent himself, and Kant’s thesis that a subjective will stands under a particular ought, under the demand of morality. Just what the conceptual connection between action and subjective will looks like will be investigated later.

The second group (2), contains the two uses of “positive” from §§112 and 113. At issue here is the “positive relationship to the will of others”

(R §112) that I have been investigating, and not the relationship of a subjective will to the content of its own will (1b) or the relationship to its own motivation (1a). The “positive relationship” thematized here is marked off by Hegel from the relationship that “contract and wrong” (R §113) have to the will of other persons. He determines the latter as an “agreement” (ibid.) that is only based on “the arbitrary will [*Willkür*]” (ibid.), so there the “essential relationship” (ibid.) remains “the negative” (ibid.).

These elaborations show that the reference to §73 was exactly not meant to encompass the distinctive character of the “positive” relationship on this level. It appears much more that Hegel means to assert that through the involvement of universal subjectivity, a situation is created in which another subjective will, through the *understanding* of an action, takes on the subjective perspective of the agent. This adoption of a certain perspective appears to be the “positive relationship” that an action brings about between two (or several) subjective wills. Nonetheless, we must also again note that this relationship remains theoretical. Whereas with the contract, as I have shown, the Other is involved as willing (since interaction is at issue), this is not necessary for *understanding* an action.

The difference with contract can only be that in this case, the Other who understands the agent must also take on the subjective perspective of the agent. But this remains a theoretical identification, even if it presupposes that the one who understands has the competence to act.

This relationship is “positive” in a double sense. First, it is positive because the subjective perspective has a content that can be positively formulated. This is the difference with the agreement in Abstract Right, where the subjective perspective is determined only negatively, as not in violation of right. Second, the relationship is positive because it implies the essential identity with the other subject as a likewise thinking and willing subject. Through the action, the subjective will relates to other subjects as essentially identical, so that others that are not subjects are determined as *the negative* of the subjective will. Through the conceptual determinacy of actions, the “basis” – the possible area of validity – is “positively” established for actions as “other subjectivity” (R §112R). The addressee of actions is thereby likewise “positively” determined, not only negatively determined as in Abstract Right, where the basis encompasses all that which can become a thing. Just as the particular motivation was determined merely negatively from the standpoint of Legality, the realm of objects that could become the object of this will was also only negatively determined. Both relationships are now

different: The positively present subjective motivation and the positively established group of addressees constitute the character of the “positive relationship.”

This point becomes clear in various *Nachschriften* from Hegel’s lectures on the philosophy of right. Thus in the *Nachschrift* from Wannenmann, Hegel expressly characterizes actions “as relation to the will of other subjects” (Wan §52). And in the *Nachschrift* from Homeyer, we find:

Animals do not act [towards us], also we do not act towards the animals and [towards] inorganic bodies. Insofar as the subjective will as such gives itself existence<sub>n</sub>, it is for another intellectual being. (Hom §59)

Hegel’s use of the expression “intellectual being” leads to the suspicion that he himself took the “positive” relationship of actions to the will of others to be more theoretical than practical. Perhaps one can interpret his statement to mean that the will of other subjects is involved because they must be able to will in order to be able to conceive at all of the validity-claim directed toward them. But the reference to §73 is misleading on this point, for there Hegel demonstrates, as he does not in §112, the practical involvement of another will.

One can also describe Hegel’s thesis of the “positive relationship” to the will of other subjects as the thesis – in modern terms – of the *social nature of actions*. This thesis holds that the self-understanding of a subject, and the claim of a subject to be an agent, is dependent on the self-understanding of other subjects; in the end, therefore, it is dependent on forms of life and social standards. Through the (in principle) possible correction and recognition of other subjects actually expressed in the majority of cases, a subjective will acquires a concept of what it means to have actualized its own subjective ends. Further, the proximity of the theoretical to the practical involvement of the will of others is rather obvious. The connection is created because in social practices, the *evaluation* of actions is central. Through the act of understanding, there of course also arises a feeling of approval or disapproval, of consonance or dissonance. Nonetheless, these aspects should be separated. For we can also conceive of theoretical acceptance alone – and only that is implicitly contained in action.<sup>30</sup>

30 A person who would always assume only this “theoretical perspective” on his own actions, his own life, and the actions of others would undoubtedly appear to us – from *our* evaluative praxes – impoverished and “pathological.” From that does not

Hegel's statement that we do not act "toward [*gegen*]" animals is a formulation that linguistically indicates that the issue for him is not only action; rather, there is an issue of what always also accompanies each action. I have already identified this additional component in discussing the diverse validity-claims. Hegel's arguments now suffice to show that these validity-claims are where subjectivity as such becomes objective. Only acceptance through other understanding and approving subjects can render the subjectivity of X objective in a way that preserves the perspective of X himself. But Hegel's arguments do not suffice to prove the conceptual impossibility of a solipsistic agent. On this problem, which is analogous to the private-language problem, one can only claim that such a solipsistic agent can objectify his subjectivity at least in the sense that he himself, at a point in time after the action, can take on the role of the Other. In such a case, there would be, however, no recognition and no correction. Nevertheless, it is of course not thereby excluded that such a solipsistic subject could conceive of himself as an agent.<sup>31</sup> Hegel does not take up this question, or the difference (that underlies it) between self-understanding and comprehension, since he develops his concept of action in the context of the philosophy of right and the question of justifiable *rights*. The analysis of different validity-claims in the social realm is of course closely related, since right and recognition always refer to other subjects. But developing a theory of action that is oriented only by self-understanding remains conceivable. Whether this is actually possible depends, first, on the extent to which language is involved in this self-understanding, whether language always implies intersubjectivity, or whether self-consciousness itself already has an intersubjective basis.

### 2.3.3 *The Objectivity of the Implemented End.* Hegel concludes the analysis of the "distinctive determination" of the "identity of the content ( . . . )

follow, however, the *logical* impossibility of this form of existence; cf. also Taylor 1992, p. 30.

- 31 Here, Castañeda is in agreement: "The execution of an act of the will presupposes a consciousness in which an intended content of the form I-[here]-now-A-act is brought into the causal process. At the time of the implementation, this consciousness need not also be concerned with other persons or objects" (Castañeda 1991, p. 131). The form analyzed by Castañeda is identical with Hegel's determinations in §110. The connection to the problem of a private language is also clear in Castañeda: He can put forward his thesis because for him, first-person propositions are in a certain respect private. In the end, this question about the logically necessary intersubjectivity of acting consciousness is decided in the private-language argument.

within the moral point of view" (R §110) by giving the meanings of the "objectivity of the implemented end" (R §112). He summarizes "three meanings" (ibid.) that were treated in detail in §§109 to 112 (Hegel's emphasis):

"[I]t is ( $\alpha$ ) *external* immediate existence<sub>p</sub> (see §109), ( $\beta$ ) in conformity with the *concept* (see §112),<sup>32</sup> and ( $\gamma$ ) *universal* subjectivity. (R §112)

These "three moments" (ibid.) portray the "objectivity" of the inner end in its realization. As an expression of the subjective will, it is necessary (as it is in the entire sphere of Morality) that subjectivity not be lost in the objectification. For that reason, Hegel analyzes the conceptual determination in which subjectivity "is preserved in this objectivity" (ibid.). This determination is the demand, developed in §110 and already analyzed earlier, that "the objective end is *my* end, so that I am preserved in it as *this* individual (see §110)" (ibid.). This preservation-of-self-in-the-objectified-end demands that the expression of a subjective will – an action – is for the agent himself the objectification of his own end. Subjectivity is preserved in this perspective in the objectification itself. Such a perspective, which as *interpretation* was understood as a possible description of a process of objectification, is only possible for a will knowing itself as free, and this perspective demands the recognition of other subjects who are also capable of being agents. Knowing oneself as free, and making the claim of objectifying one's own ends, both imply the conceptual nature of the will itself, the self-determining concept bridging the subject-object difference. This, and the implicitly presupposed existence in actions of other likewise constituted subjects, are thereby moments of the self-preservation of subjectivity. They are at the same time moments of the concept that have the character of the objective in-itself. For that reason, Hegel can also assert that two determinations of the subjective "coincide" (ibid.) with two determinations of the objective. The crucial determination – to be the freely self-determining concept – is both the subjectivity of the concept and its objective determination. The "universal subjectivity" is the "external existence" (R §26) of subjectivity and as such equally objective.

This coincidence of the objective and subjective with regard to the latter two meanings is only "relative" (R §112) on the level of Morality. They are, as Hegel says, "united only as a contradiction" (ibid.) and

<sup>32</sup> This must be an oversight by Hegel (this text was added as a Remark to the main body of the paragraph): §111 would be correct.

can therefore also fall apart. It is thus, for example, completely possible that an action does not satisfy the objective determination (although the standard can always be applied to it). The identity or, better, unity of these two moments is up until now only developed “in-itself,” but not yet for the agent himself. This constitutes the *formality* or *Sollenscharakter* of actions. The various “contradictions and their resolutions” (ibid.) that pertain to this identity of subjectivity and objectivity on the level of Morality, an identity that has being only in-itself, are depicted by Hegel when he more precisely investigates the character of actions, the various rights of Morality, and the alternative philosophical theories.

Before discussing Hegel’s analysis, I will first summarize what has been achieved (and not achieved) thus far. It will thereby be possible to understand which conceptual choices have already been made just through Hegel’s thesis that actions are the expressions of the subjective will.

## RECAPITULATION

In the preceding sections, I examined Hegel's thesis that actions are the "expression of the will as subjective or moral" (R §113). The goal of Chapter 1 was to understand the justification that Hegel provides for his thesis, and to test its soundness. As a reminder, I repeat Hegel's formulation of his justification:

Action contains the following determinations: ( $\alpha$ ) it must be known by me in its externality as mine; ( $\beta$ ) its essential relation to the concept is one of obligation; and ( $\gamma$ ) it has an essential relation to the will of others. (R §113)

### The Meaning of the Three Determinations

The interpretation I have given so far had the goal of making Hegel's claims comprehensible. The thesis underlying this study holds that the Morality chapter of the *Philosophy of Right* can be understood as Hegel's analysis of *intentional action*, an analysis that at the same time provides an explication of acting consciousness.

In connection with this thesis, I argued that the "subjective will" should be understood as the conceptual unfolding of the moments of the *free decision* that accompanies each intentional action. I also linked the demand contained in the acting consciousness – that an intentionally produced event is the realization of the subjective end – with Hegel's depiction of the objectification of the subjective end.

*The First Determination.* I explicated the distinctiveness that Hegel attributes to this objectification within the standpoint of the subjective will as the individual's perspective on his own act. I unpacked Hegel's



conception of the subjectivity of action in terms of the reflexivity of the “for X himself.”

As a whole, Hegel’s theory establishes a concept of intentional action as an event under a certain description. This description contains the perspective and the self-understanding that the agent has at the time of the implementation of his act. One can summarize the results reached so far with the claim that an action is an event essentially characterized by a perspective that describes the happening as the realization of a subjective end, and describes it in the way that the agent understands the happening at the time of implementation.

Concurring descriptions of other subjects at the same time or alternative descriptions at a later time, even if they come from the same agent, do not portray this event as this action, but rather would be a new interpretation of an event (as the exemplification of a type of action). Which “*concrete* action” (R §38 – Hegel’s emphasis) an event is can only therefore be established through the subjective perspective of the agent at the time of the implementation; the agent must also understand the act as the realization of a subjective, freely chosen end. This constitutes the irreducibly subjective and “formal” character of actions. They are each time “known by me . . . as mine” (R §113).

Hegel succeeds with this construction in conceiving of *intentionality* as the mark of an action-event, a mark that contains a subjective perspective and thereby a description, but that is not arbitrary; rather, it is clearly established that an event can always only be *one* action.

*The Second Determination.* I explicated the second determination of actions, “essential relation to the concept as an ought” (ibid.), as having a threefold meaning. The first meaning is that actions, as expressions of the will, bridge the subject-object difference. This claim is on display in the demand that a subjective end be preserved and realized in an objectively expressed event. One can render this claim plausible through the proposed interpretation of Hegel’s theory: Because both the subjective end and the realized end are interpretations, or *descriptions*, one can understand the demanded identity of content as the identity of the propositions expressed in the description.

The second meaning for Hegel is that “concept” implies rationality and universality. I interpreted this as the claim that the propositionality of the end-positing is evident in the free decision that is enabled, in Hegel’s view, by the moment of thinking.

In a third meaning of “relation to the concept,” the conceptual nature of action must also be understood as an overcoming of the form-content difference. This point follows because the form-content difference is, according to Hegel, a version of the subject-object difference. My thesis is that Hegel’s attempt to prove this portrays not only the universality of propositional form, but also the demand on the action that the content of the proposition be universalizable. With this claim, Hegel intends to follow Kant’s conception in order to grasp the moral character of actions. I will briefly outline the difficulties bound up with that appropriation shortly.

The formal character of action – that it is limited to the individual perspective and has in-itself the objectivity of the concept – constitutes the *Sollenscharacter* of action and its only “essential” (ibid.) relation: The conceptual nature only *appears* in them, and the unity of subjective and objective form is not yet posited.

*The Third Determination.* According to my interpretation, the essential “relationship to the will of others” (ibid.) arises because actions stand, as events under a specific *description*, in a competitive relationship to alternative descriptions of this same event. Just *qua* description, actions already implicitly make a *theoretical validity-claim*, whose explicit redemption demands the understanding and acceptance of other subjects. Hegel’s statement that we are not in this sense able to act toward inanimate objects or plants or animals can be understood as saying that while these can be the object of our actions, they cannot be the addressees of the validity-claims contained in those actions.

Besides this reference to the act of understanding of other thinking subjects, Hegel appears also to want to affirm a *practical validity-claim*: The reference to the *will* of others appears to contain the demand that the others also express, through the *acceptance* of the perspective of the agent on his own act, a kind of *approval* or perhaps also a *justification* of the action. But the involvement of the will of other subjects remains, as I have shown, *theoretical* in nature if Hegel’s theory of action can only rely on the premise that actions are events under a specific description. Admittedly, the one who comprehends the action (that is, its description) and accepts it must know what it is like to be an agent. Nevertheless, his conduct with regard to the happening remains theoretical. Only with the *evaluation* of actions does it become clear that the practical involvement of the will of others can be established. But then

the practical engagement of others and thereby of their wills is involved *qua* presupposition.

Hegel appears here – in the derivation of the *practical* involvement of others – not just to fall back on this theoretical concept of action as an event in a subjective perspective, but rather to add a thesis that is not implied in that concept.<sup>1</sup>

Hegel's thesis, already presupposed in the analysis of crime and the justification of punishment, holds that the subjective end is universalizable – according to its content as well – as a “law recognized by him” (E §500 and HE §414) because of the rationality of the will as concept. Hegel thereby follows the Kantian conception of free actions as those that have, with regard to their rationality, a universal validity for all rational beings. Hegel does not accept, owing to his formalism critique, that the practical law is descriptive. Instead, he holds to the thesis that the rationality of the will entails the notion that the content of a maxim contain a validity-claim acceptable to all rational subjects, applicable to all rational subjects. As Hegel spelled out in the paragraphs mentioned earlier, as a maxim this law holds “only” for the individual criminal; but he can – even according to his own claims – be “subsumed” under it. Hegel's argument can only be valid if the maxim contains a kind of universal quantifier for all subjects. But this universal quantifier is contained in the maxim because it has arisen through the free decision of a rational will, which, “as a volitional and intelligent being, sets up a law (. . .) a universal” (E §500). The emptiness of content here, the logical ground of the formalism reproach to Kant's moral philosophy, arises through the subjective character of this universal. But to the criminal, who through his act has established this law as valid “for himself,” right happens when he is subsumed under the law.

The third determinacy of action springs therefore not from its character as an event described from the subjective perspective of the agent, but rather from Hegel's additional thesis that the rationality of the concept explains not only the universality of the form (propositionalization), but also the universality of the content (maxim for all rational wills). Only the latter of Hegel's assumptions can explain why actions involve the will of others. Only that claim can justify Hegel's thesis that action makes an implicit claim – one springing from the conceptual nature of the subjective will – on other willing subjects.

1 In “universal welfare,” the agent takes into account – for prudential reasons – the subjective wills of others, whereas in “conscience,” the “subjective universality” is assumed.

The results until now are as follows: "Action" is an event to which a specific description essentially belongs, a description the agent himself can provide at the time of the implementation of this process. In this sense, action is first *constituted* through the self-understanding of a subject. It would therefore be false to say with regard to an action that it is simply a description of an objectively present event, since this conception presupposes the independence of perspective and action. But just this independence is not given with actions. The subjective perspective is an essential feature of the action itself.

Both poles of an action – the inner end and the realized end – are *interpretations*: the former of the motivational states of the agent (of the matter), and the latter of the situation produced through the process. In both places, the interpretation can – because an objective matter, an objective state is present – be corrected. It is not impossible that an observer could make clear to the agent afterward that he misunderstood himself, that he falsely described the situation. The procedures for the first correction are admittedly difficult, but by no means unthinkable. Cases that pointedly illustrate the agent's susceptibility to error are those in which the agent himself at a later point in time corrects his interpretation of his own motivational background. But it is important that through this new interpretation a new action does *not* come into existence. The new interpretation describes the process otherwise than the self-understanding of the agent at the point in time of the implementation: It also for that reason does not describe the action. A peculiarity of this interpretation of one's own motivational background is its "immediacy," which means that an agent cannot err that something is *his* inner end. But this applies only to the form of the inner end, not to the content itself. When it comes to the interpretation of a realized subjective end, there are many conceivable cases: The observer does not accept the description and offers a competing one. Here, there are criteria according to which the plausibility of an interpretation can be established, including both information about the agent himself and information about the concrete situation or relevant cultural standards.

When an objection is raised against the interpretation of an inner end, or against the interpretation of a present situation as the realization of this inner end, or when a process is described in a way that differs from the self-understanding of the agent, the process is no longer understood as an *action* in Hegel's sense. We see here the radicality of

Hegel's thesis that actions are "expressions of the subjective will." One can understand this best as the claim that only *intentional* actions are actions, where Hegel takes intentionality to mean a particular way of describing a process. It is in this exclusivity of description that the subjective will as such becomes objective.



## PART II

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### THE ACTION

Hegel proceeds in the *Philosophy of Right* as in other parts of his system: He begins each part with an overview of the logical structure. Paragraph 114 serves this function for the Morality chapter; in it, he presents the “three aspects” (R §114), along with the concepts belonging to them, that are contained in the “right of the moral will” (ibid.).

In these paragraphs, Hegel names a great number of logical determinations, evidently in the attempt to present the structure of the Morality chapter as the systematic development of his conceptual system. Yet, in examining the relationships of the “three aspects” (ibid.) to one another, some difficulties come to light. “Intention” and “welfare,” then “the good” and “conscience,” appear as the second (b) and third (c) “aspects,” corresponding to the titles of the latter two sections of the Morality chapter. But in the first point (a), only “purpose” appears, whereas “responsibility” is nowhere to be found. This is noteworthy, since in the title of the first section, both concepts appear, and in the paragraphs of the first section the concept “responsibility” is central. It is also noteworthy that a further concept is missing, one decisive for the first section: the concept of “deed.”

But this discrepancy – which on its own is perhaps external – is not the only one that strikes the reader. Attention to the relationship of the first two “aspects” to each other reveals an “asymmetrical” construction. This is evident not only from the fact that the second aspect (b) is itself divided once more, but also, and more importantly, from noticing that the relationship of “purpose” and “intention” does not emerge with any clarity from the elaborations. Hegel formulates the first aspect in the

following way (Hegel's emphasis):

(a) The *abstract* or *formal* right of action, according to which the content of my action, as accomplished in *immediate* existence<sub>n</sub>, is entirely *mine*, so that the action is the *purpose* of the subjective will. (R §114)

If one follows the interpretation suggested in Chapter 2.1, then with (a) Hegel formulates the condition for an event's being "entirely [*überhaupt*]" my action. It is my action precisely when its "content . . . is entirely mine." The concept "purpose" covers here the necessary and sufficient conditions for an event's being my action. It fits this reading that Hegel speaks of the abstract and formal "right of action." This formulation indicates that the first determination of the "right of the moral will" contains the most universal determinations – those only concerning the form of the action – that one can give. But difficulties arise with this interpretation when one tries to clarify the relationship of "purpose" and "intention." Hegel continues (his emphasis):

(b) The *particular* aspect of the action is its *inner* content, ( $\alpha$ ) i.e. the manner in which its universal character is determined *for me* – this constitutes the *value* of the action and the reason why I consider it valid, i.e. its *intention*; ( $\beta$ ) its content, as the *particular* [*besonderer*] end of my particular [*partikulären*] and subjective existence, is *welfare*." (R §114)

Clearly the distinction that Hegel makes here inside the second determination (b) should be traced back to the fact that he emphasizes (in  $\alpha$ ) the "universal character" of the content (from the perspective of the agent), but then indicates (in  $\beta$ ) that this content is at the same time not universal, but has the individual welfare – that is, an individual "particular end," as its object. Of course, this apparent contradiction – that something is supposed to be at once "universal" and "particular" – must also be clarified. But first I would like to show how the first part of statement (b) is related to the statement (a) about purpose.

In (a), Hegel claimed that the "content . . . is entirely mine." This determination is universal in a sense that the first statement from (b) does not exclude; in fact, the statement from (b) almost entails this universality. The "inner content" of intention is also determined "for me." Seen in this light, the second determination, which Hegel introduces as "the particular aspect of the action," would only serve to make the first more precise, but would not give a logically different determination than the first. Whereas in (a) Hegel speaks of the universal conditions, now more exact determinations are given for how the content of actions



is “formed.” In any event, according to these formulations, “purpose” and “intention” appear not to be disjunctive concepts.<sup>1</sup>

The second part of the determination (b) does not contribute to the demarcation of “purpose” and “intention.” The “contradiction” between the universal and particular character of intentions, to which Hegel draws our attention, can be dissolved when one relates “universality” to the form of the content but ascribes “particularity” to the content of the content. To understand the latter produces no great difficulties, since the content of the content is a particular, specific end of a single individual. But the universality of the form of the content – which belongs to the knowing of action *qua* intention – stands in need of explication. This becomes even more necessary if one attempts to demonstrate a difference between purpose and intention.

The third “aspect” of the right of the moral will contains a further development of the content (Hegel’s emphasis):

(c) This content, though *inward* in character, is at the same time raised to its *universality* and thus to that *objectivity* which has being in and for itself; as such, it is the absolute end of the will, i.e. the *good*, and its opposite, in the sphere of reflection, is *subjective* universality, either of *evil* or of the *conscience*.” (R §114)

The content has now changed. Whereas in the second statement of (b) the good-for-me was the object of the subjective will, now the good in-and-for-itself is the content of the will. The universality that is attributed to this good can therefore not be of the same kind as that universality that the content has “for me” in an intention. Yet two things are certainly clear: First, it is apparent that the second statement of (b) asserts a difference with regard to (c), whereas the first statement of (b) was related to (a). This shows that (b) is in itself not unitary, and should be investigated in two directions. Following the first direction, I will examine the form of intention in order to ascertain the difference with the form of the purpose; in the second direction, my concern will be with the difference between the individual good and the universal good, between a subjective and a universal end.

Second, and more important, though, is the fact that (c), as opposed to (a) and (b), is *no longer* related to the concept of action; rather, it

1 They would be disjunctive, for example, if Hegel in (a) would have said that with purpose, the inner content is determined for me in its particular (or immediate) character. Then there would be a further logical development of particular to universal character (a universal, however, given each time “for me,” that in each case is “mine”).

thematizes the “absolute end of the will.” The first two “aspects” of the right of the moral will, on the contrary, deal with the “formal right of *action*” – that is “the particular aspect of the *action*.” Two important points should therefore be kept in mind: First, the content of the will changes from (b) to (c) in such a way that the individual, particular interests of a concrete subject are no longer the object of investigation, but rather the objective good of the will is at issue. Second, only (a) and (b) are introduced by Hegel as determinations of the concept of action, whereas (c) is directly related to the will.

It has become clear which difficulties and asymmetries one can uncover in Hegel’s argumentation. First, Hegel’s tripartite division seems to be more simply divided into two, where the second part is itself explicitly, and the first part implicitly, likewise split into two. One can assign to (a) and (b $\alpha$ ) the question of the form of the content of actions, whereas (b $\beta$ ) and (c) take up the question of the content of the content. With the question of the form of the content, two themes can again be distinguished: First, the question of the necessary and sufficient conditions for an event’s being an action at all; and second, the question of the conceptual difference between purpose and intention. With the question of the content of the content, a decisive difference can also be established: the difference between good-for-me and good-in-itself.

The difficulties and questions mentioned here provide the task for the Part II of this book, which will enter into a more precise determination of Hegel’s concept of action. In contradistinction to Part I, here I no longer follow – for the reasons given earlier – Hegel’s conceptual path, but rather order the text according to the differentiation I have just discussed. Chapter 4 pursues the question of the *form of action*, while Chapter 5 takes as its theme the *content of the action*.<sup>2</sup>

In Chapter 4, I investigate first (Section 4.1) the relationship between action and deed, a distinction that will be elucidated, by means of the action-theoretic positions of Anscombe and Davidson, as the distinction of action and event. I will also analyze the relationship’s “having

<sup>2</sup> The investigation of the “form of the action” is the question of the universal categories of action-theory. It touches on the ontological difference of event and description, of causation and attribution, as well as the logical structure of belief in the action (of the “content”). Wanting to keep these questions separate is the reason why I speak here of the “form of the content.” The “content of action” thematized in Chapter 5 deals instead with the particular end (the “inner content” according to Hegel). This examination attempts to ascertain the universal determination that one can discover in “that which is aimed at” in human action.

responsibility” that is introduced in the title of Section 4.1, in order to explain the relationship of causation and attribution on the one hand, and that of event and description on the other. In the process, I will show that Hegel’s action-theory anticipates central insights of current theories.

In Chapter 4 (Section 4.2), I thematize the difficulty in determining the relationship of “purpose” and “intention.” I maintain the thesis that the general statement concerning the purpose, given by Hegel in (a), belongs to his conceptual determination of the *intentionality* of actions, which for him delivers the decisive criterion for attribution. To the extent that Hegel thematizes the intentionality (or purposiveness [*Vorsätzlichkeit*]) of actions, there is no difference between purpose and intention; both are understood as a belief that guides the agent – a thesis that helps explain the dominance of the cognitive in Hegel’s action-theory. As regards the relationship of purpose and intention (insofar as they are somehow distinct), I suggest an interpretation that shows that Hegel reveals and conceptually analyzes a fundamental difference inside of our descriptive and evaluative praxes, one that sheds light on the rationality of action. I also maintain here that Hegel’s elucidations anticipate some of the advances of modern action-theory, even if he formulates them in the space of a conceptual framework that is no longer widely accepted.

Decisive for Chapter 5 is, first, that in (b $\beta$ ) and (c), the *content* of actions is at issue. But I will be concerned primarily to expound the thesis that the third section of the Morality chapter is no longer an analysis of the concept of action, but rather represents a turn to the concept of the subjective will. For that reason, I delineate in Chapter 5 (Section 5.1) those determinations that, according to Hegel, conceptually belong to the content of actions, and then I explicate why and to what extent the actual moral philosophy of Hegel in the third section of the Morality chapter no longer belongs to the analysis of the concept of action (Section 5.2). I maintain thereby the thesis that Hegel himself conceived his concept of action so that it could be neutral with regard to the question of whether the agent has a moral attitude. The concept with which Hegel carries the conceptual development of the Morality chapter into actual moral questions is not that of action, but rather the question of the autonomy of the subjective will. I do not, however, further thematize in this book the meaning of this concept in Hegel’s philosophy.



## THE FORM OF THE ACTION

### 4.1 Actions as Events: The Causal Relation

Hegel begins the first section of the Morality chapter, which bears the title “Purpose and Responsibility,” with the introduction of a new concept: the *deed*. The title of that section already makes clear that Hegel is arguing in the context of political and juridical concepts. The concept “deed” is therefore primarily treated in the secondary literature as it functions within this context,<sup>1</sup> or else the concept is perceived as not at all important terminologically.<sup>2</sup> Against this tendency, I will attempt to interpret Hegel’s introduction of the concept “deed” from the standpoint of *action-theoretic* questions. In what follows, I pursue the interpretive hypothesis that “deed” is meant to capture the event-character of actions, their spatio-temporal individuality.

The sections “Purpose and Responsibility” and “Intention and Welfare” present the interpreter of Hegel’s Philosophy of Right with great difficulties. A number of the problems in understanding the text are due to Hegel’s decision to develop fundamental action-theoretic problematics through the use of juridical concepts and within the context of political philosophy. I will not further pursue this aspect, since the distinction of “person” and “subject” that I have already analyzed is not relevant for the differentiation currently in question. I will also set aside the mode of description of an “act” designated with the concept

1 According to Derbolav, we should understand “with the term deed the entirety of the realized end and its empirical consequences”; cf. Derbolav 1975, p. 206.

2 Thus, for example, in Wood 1990, p. 140. In the investigation by Peperzak 1991, a discussion of the concept “deed” is completely missing. Peperzak’s investigation is admittedly limited to the different versions of the *Encyclopedia*, but Hegel also introduces the concept “deed” there. Cf. HE §419 and E §504.

“legality,” since the distinction between legality and Morality is simply a special case of the general distinction of “deed” and “action” as two *modes of description* of events.<sup>3</sup> The actual source of the difficulties of comprehension is not this use of a juridical concept, but rather the fact that Hegel would like to capture two differentiations with *one* conceptual distinction: The distinction of “deed” and “action” fulfills, first, the function of distinguishing between two kinds of description of events. But he also uses it to capture the difference between description and event. The various questions that Hegel discusses in the first two sections of the Morality chapter can be assigned to one of these two levels. The ambivalence in Hegel’s argumentation, which he himself partially works through, can be dissolved if one keeps two questions clearly separated: the difference of event and description, on the one hand, and the difference of various kinds of description, on the other.

*Once More: Terminological Definitions.* In Section 1.1 of this book, I established some terminological definitions, and designated with “act” the set of events in which a will in the narrow sense is involved. I also introduced the difference of “deed” and “action” in order to distinguish between two *kinds of description*. To describe an event as “deed” means to assume the involvement of the will in the narrow sense – to grasp it as voluntary<sup>4</sup> – without, though, assuming in the description the perspective of the agent on his own act. To describe an event as “action” means, on the contrary, just this: assuming the perspective of the agent himself, comprehending the event not only implicitly as voluntary and intentional, but also understanding it as the realization of the agent’s intention. Intentionality is thereby a quality of the action-event that can only be captured in a specific kind of description of an event.<sup>5</sup> In order to describe an event as deed, one must simply assume *that* a will in the narrow sense is involved; in order to describe an event as action, one must also include in the description the subjective end of this will. In the description, one must give the opinions, wishes, and convictions of the subject; with action, the mere supposition of the *existence* of a subject no

3 Cf. Enskat 1986, p. 64, on the function of this distinction for Hegel’s critique of morality.

4 Since, in the *Philosophy of Right*, the will in the narrow sense is always at issue, “voluntary” here will be limited to “act.” The “contingent self-movement” (E §351) of animals is not included. Voluntariness here therefore always implies the will in the narrow sense, and is thus equivalent to purposiveness. Cf. also on this point Michelet 1828, p. 42 f.

5 Cf. Davidson 1985, p. 83.

longer suffices. This terminological definition fixes *one* differentiation at the basis of Hegel's distinction of deed and act.

I will interpret Hegel's *other* differentiation through the distinction of event and description. An event is a spatio-temporal singular thing (occurrence) that stands in causal relationship to other events, and is the cause for an altered state of affairs in the world. Such an event can be *described* in manifold ways: as a physical process, for example, or as a deed or as an action. Important for this second differentiation is the fact that an action has "consequences" because of its event-character; further, an event can be described (individuated) in "light" of its consequences (that is, in light of other events). But it is also important that the "attribution" of an action have a relationship to a moral subject, a relationship that exists between the action-event under a certain description and the successive events under certain descriptions. Whereas the causal relationship between events exists *independently* of specific descriptions, explanations of action as well as the relationship of attribution have a "quasi-intensional" character – the events are posited under specific descriptions in relation to each other. Explanations of action and attributions should not, however, be conceived as purely intensional contexts, since in them reference is made to the events themselves.<sup>6</sup> The *difference of action and deed* in the sense introduced here is therefore a difference between the descriptions of an event, but not the difference between the description and what is described. For the latter, there is the *difference of description and event*.

If one keeps these two distinctions separate, Hegel's conceptual development in §§115-119 becomes comprehensible. The ambivalence of the locution "having responsibility" can also be explained through these distinctions. The interpretation I am suggesting is meant to show that Hegel actually makes the distinction, central to action-theory, of event and description, even if he confuses it with another distinction, that between different kinds of description. The Hegelian argument is in central places more fundamentally action-theoretic than one might suspect from the context.

My interpretation of the concept "deed" as event leads to a shift in emphasis in reading Hegel's text. Instead of addressing first the political and juridical aspects of Hegel's concepts "responsibility" and

6 Davidson (1985, p. 22) employs the concept "quasi-intensional" in order to pick out the extensional aspect of the description of the action as opposed to the purely intensional contexts. Cf. also Davidson 1985, p. 78.

“accountability [*Zurechnungsfähigkeit*]” (R §115R), I will begin by developing the ontological aspects of the theoretical structure that Hegel unfolds in §§115-119.<sup>7</sup> In the first step of my examination (Section 4.1.1), I explicate the concepts “deed,” “occurrence,” “alteration,” “present existence<sub>D</sub>,” “preceding situation,” and “cause” (all in R §115). I will then investigate (Section 4.1.2) the function of the relationship “having responsibility” in §116, and show its ambivalence between the meanings “causing” and “attribution.” In the third step (Section 4.1.3), I will ask what it means to claim that actions are events for which it is essential that they be given in a specific subjective perspective. I will analyze the concepts – “consequence,” “shape,” and “soul” (all in §118) – through which Hegel attempts to capture the aspect of purposiveness and intentionality. In the context of Section 4.1, I will pursue this aspect, in three investigative steps, only with a view to the ontological differentiation; I will analyze the aspect essential for actions – namely, the subjective perspective that forces the difference of various kinds of description, in Section 4.2 of this chapter.

#### 4.1.1 *The Deed Posits an Alteration*

(I) THE FINITUDE OF THE SUBJECTIVE WILL. In the first section of the Morality chapter, “Purpose and Responsibility,” Hegel states the logical presupposition for actions as events in space and time.

The *finitude* of the subjective will in the immediacy of action consists immediately in the fact that the action of the will *presupposes* an external object with various attendant circumstances. (R §115)

Hegel is claiming, first, that besides this “immediate” form of finitude, there will also be “mediated” forms. Second, he is saying that he will determine here only the finitude of the subjective will implicated in the “immediacy of action.” The mediated forms of the finitude of the subjective will are indeed thematized in the immediacy of the

<sup>7</sup> Here the interpretation coincides with the definition of Jermann, who with “responsibility” wants to include only the aspect of causation, since the “abstractness” of the Hegelian determinations in the first paragraphs of the section “Purpose and Responsibility” leads him to the claim that “here my particular will in truth still plays no role at all.” Jermann maintains that what is “decisive” is only “that I am the cause for some sort of occurrence.” According to his conception (that I share), with the concept of responsibility “in this passage” (in R §115) nothing more is meant, “and correspondingly the concept of deed means simply the complete range of my externally detectable efficacy” (all quote Jermann 1987, p. 105). The last formulation, however, unfortunately does not make clear that we should understand with “deed” the event-character of actions.



action. To clarify the concept “purpose,” I will briefly mention the other meanings of “finitude” (that Hegel had just previously introduced in the *Philosophy of Right* in relationship to the will) in order to situate the specific finitude of the “immediacy of action” in relation to them.<sup>8</sup>

THE LOGICAL GROUNDS. “Infinity” famously means for Hegel that something relates itself to itself in its relationship to another; a subject in an object-relation relates itself to itself. The sublation of the subject-object difference is the logical mark of the Hegelian concept of infinity. As the analysis of the conceptual presuppositions has shown, the thinking will is only formally infinite as “subjective will.” In action, the infinity expressed through the form of the  $I = I$  of the subjective will extends simply to the form, and not to the content, that this will relates to in “choosing.” The agent’s consciousness of freedom, of being able to do otherwise, exhibits this distance from the content. For Hegel, however, the form-content difference is a kind of subject-object difference, so this consciousness of freedom of choice at the same time constitutes the finitude of the will:

The finite will, purely with regard to its form, is the self-reflecting infinite ‘I’ which is with itself [*bei sich selbst*] (see §5). As such, it stands above its content . . . (R §14)

A second consequence stemming from the form-content difference consists in the choosing will’s giving itself a content, and thereby becoming particular. The will as universal substance is thus particularized as the will of a determinate individual. Hegel maintains that the decision is the activity of the will as such. The will is individuated as the will of a “specific individual” (R §13) through the choice of a determinate content. But because of the form-content difference, this chosen content is – on the level of the subjective will – “not yet the content and product” (*ibid.*) of the freedom of the will as universal subject. On the level of the action, the will,

because of the difference between its form and its content (see §11), is purely formal; its only appropriate function is that of abstract resolution. (*ibid.*)

<sup>8</sup> The “immediacy of action” itself, which is understood here as the event-character of actions, is articulated further later on when I interpret the Hegelian concept “deed.”

At issue is individual freedom of choice, the ability to make any arbitrary content one's own; from this freedom of choice, no criterion results for the rationality of the content of what is chosen.

Since the content of the subjective will is now rational in form, yet particular in content and limited to a specific individual, the thinking will relates to an object (to a content) having the logical determination of "individuality" (R §13). Because the will itself has the form of universality, it is finite by contrast with intelligence. The will does not relate itself to itself as universal in its object, but rather relates to a content that is determined as individuality. While the intelligence relates itself "as thinking" (ibid.) to an object and content as "universal," and is thereby – as itself universal – "infinite," intelligence as willing decides on a particular content, thus becoming "finite" in this relation. "It is therefore in the will that the proper finitude of intelligence begins" (ibid.), and "thinking reason, as will, is [reason] deciding [*sich entschließen*] on its own finitude" (ibid.).

The finitude of the subjective will with regard to action consists therefore in the content's – because of the form-content difference – being a particular. Thus the subjective will, though rational in its form, is not rational in its content. Hegel offers this deficiency as an argument for why the subjective will, for the realization of its subjective (particular) end, "presupposes an external object with various attendant circumstances" (R §115). The argument with which Hegel justifies the presupposition of an independent object has already been analyzed. The individual acting consciousness assumes that there is a world in which the end should be realized. And since this end is particular in its content, to characterize the present situation, various "circumstances" relevant for the realization come into play. The subjective will relates itself to a presupposed external object independent of it. This object – and here the finitude of the will is again on display – has features ("various attendant circumstances") that are likewise independent of the will. Because of the particular content of the subjective end, there can also be entirely contingent particularities, not captured through the universal rationality of the natural laws,<sup>9</sup> that are decisive for the realization of the subjective end. This demonstrates the finitude of the subjective will.

9 According to Hegel, the natural laws prove the rationality of nature, and the cognizing intelligence relates to its own conceptual nature when it cognizes nature as lawful. Yet this mode of observation does not grasp those contingent and particular aspects of nature in which the concept no longer manifests itself.

THE FACTS. Even without this speculative explanation, we can give Hegel's talk of the immediate consequence of the "finitude of the subjective will" (R §115) a plausible meaning. It is undoubtedly the case that human action is always an intervention in a preceding situation with many features. It is also correct that as agents, we interpret a situation in view of our posited ends. In this process, it is for the most part the contingent features<sup>10</sup> that are relevant, that constitute the preceding situation. Though we perceive these features as facts independent of us, we can alter the facts through action. In this sense, then, action always "presupposes an external object with various attendant circumstances" (*ibid.*). The circumstances or features of a situation that are relevant for us as agents are certainly different than those that would be included in a natural-scientific, objective description of the situation. Further, the number of these circumstances is in principle unlimited; Hegel would say that since they are not subsumed under rational natural laws, they are a mass of facts indifferently existing alongside each other. Because of the particularity of the content of our ends, the features relevant for our actions are those that are factually impossible to overlook, and contingent in Hegel's sense. The interested character of the end exposes the agent to the contingency of nature, whereas, on the other hand, the natural scientific researcher attempts to bring this contingency under rational laws. This contingency affects the agent not only in the interpretation of a situation in light of his own posited ends, but also in that human action is always a process in nature that can itself contain "manifold circumstances." This is the "immediacy of action" itself – an event in space and time.

(II) THE NATURE OF THE FINITE DEED. Hegel himself defines the event-character of actions in §§114-120 in multiple ways: He speaks of the action "as translated into external existence<sub>d</sub>" (R §118), he mentions the aspect according to which the action is "accomplished in immediate existence<sub>d</sub>" (R §114), and he characterizes the action and its consequences as a "natural occurrence" (R §118R). An "action as external deed" (R §119) is a spatio-temporal event whose "nature" (*ibid.*) is exhibited only in "external contexts" (*ibid.*) as "the individuated determination of the external actuality" (*ibid.*).

10 By contingent features I mean (in Hegel's sense) those features that do not form the rationality of nature. In the end, therefore, all the features that cannot be grasped in natural laws.

In addition to these definitions, which indicate the event-character of actions, in the section “Purpose and Responsibility” one can find further concepts that (as a whole) support my thesis that Hegel is trying, with the concept of “deed,” to characterize the action as a spatio-temporal event. Thus, he continues that the deed “posits an alteration to this given existence<sub>D</sub>” (R §115), an alteration that serves, because of the finitude of the subjective will, as the deed’s presupposition. The result of the deed is a “situation that has arisen” (ibid.), that as “a concrete external actuality (...) has an indeterminable number of attendant circumstances” (ibid.). Further concepts that speak to the event-character of actions are “condition,” “moment” (ibid.), and “consequences” (R §118). I will analyze these concepts later in connection with the ambivalence of “having responsibility,” since they are bound up with the causal relation. First, though, the connections between the concepts “preceding existence<sub>D</sub>,” “deed,” “alteration,” and “existence<sub>D</sub> that has arisen” must be clarified.

**DEED AND ALTERATION.** With regard to the section “Purpose and Responsibility,” Hegel’s elaborations in the *Philosophy of Right* and in the various lecture notes display two commonalities: The first is that the concepts “circumstance,” “moment,” and “to affect” appear in all the texts next to other concepts such as “preceding existence<sub>D</sub>,” “existence<sub>D</sub> that has arisen,” “alteration,” and “deed.” This leads one to suspect that behind this conceptual field, Hegel has an argument that should be taken seriously in conceptual terms. The second commonality involves an equivocation in Hegel’s use of the concept “alteration,” which leads to two divergent statements with regard to the relationship between “deed,” “alteration,” and “existence<sub>D</sub> that has arisen.”

In the text of the *Philosophy of Right*, Hegel writes: “The deed posits an alteration” (R §115),<sup>11</sup> whereas in the *Nachschrift* of Wannenmann we find: “The deed is the alteration” (Wan §54). In the *Nachschrift* of Hotho, both statements can be found: First, Hegel says “that the action is an alteration of the external existence<sub>D</sub>” (II III p. 359), but then he also says: “The deed brings forth an alteration” (II III p. 354). In the *Nachschrift* of Griesheim, on the contrary, there is again only the statement that is in fact in the text of the *Philosophy of Right* itself: Action “is the bringing forth of an alteration in an external existence<sub>D</sub>” (II IV p. 313).

The Hegelian theory thus wavers between two statements. According to one (i), the “deed” is identified with “alteration”; according to

11 The same words are also found in Hom §61.

the other (ii), there exists between “deed” and “alteration” a relationship of “positing” or “bringing forth.” The source of this confusion is the equivocation in the concept “alteration”; this concept can designate both the process and the result. If one examines the text with attention to this term, it becomes clear that Hegel obviously does not keep these two claims separated. If one distinguishes between these two meanings, then the contradictory statements here can be unified: In the identity statement, “alteration” is used in the sense of process, whereas in the other case, “alteration” is used in the sense of result. Correspondingly, “alteration” is identical in one case with the “altered existence<sub>D</sub>” (result), and in the other case, the alteration effects this existence<sub>D</sub> (process).<sup>12</sup>

Taking the path suggested here, we arrive at the following result: At a point in time A, a presupposed existence<sub>D</sub> with manifold attendant circumstances is present. At another, later, point in time B, an altered situation that also has manifold attendant circumstances is present. These latter circumstances, however, are not completely identical with the circumstances of the situation at point in time A.<sup>13</sup> We can understand a situation as a spatio-temporally limited state of affairs in the world with circumstances constituted by the various features that belong to it. The “deed” is the cause that one or several of these features change, resulting not only in a temporally later situation, but also in a qualitatively different new situation. Events are those entities that cause the altered situations, that cause new circumstances to arise. If one therefore understands circumstances as singular facts, separable by means of descriptions, and one understands situations as the sum of all these facts, then it is clear that through the creation of a new fact, a new situation (a produced existence<sub>D</sub>) is also created. When an event takes place, then, it is causally responsible for new circumstances, and thus for a new situation.

THE EVENT A SECOND TIME. My interpretation of Hegel’s text assumes the following analysis of alterations of situations: An event brings forth from a current situation A an altered situation B. This can be

12 This equivocation means that the interpretation suggested here is *not* without alternatives. In order to make the individual statements consistent, the concept “alteration” must be taken first in the one, then in the other, meaning. It is thereby always possible to assign the meanings differently, so that another reading arises. The goal of my attempt here can therefore only be to give *one* interpretation that is as consistent as possible.

13 I will not discuss here the problem of omission and those actions that have the maintenance of the status quo as their goal.

described as a three-part relationship, where “bringing forth” has a causal sense and X designates an individual event:

Bringing forth (X, situation I, situation II)

Thus understood, events (“deeds” in the sense of §115) are entities that cause circumstances to change. This concept is relevant for action-theory since actions, as events, can likewise assume the place of this X. Davidson has held the position that descriptions of actions and also singular causal statements both support an ontology that accepts the existence of events. These events can be described in manifold ways, in light of both their causes and their consequences. But in any case, they must – in the space of explanations and descriptions of action – be taken as self-standing entities.<sup>14</sup> For the further reconstruction of Hegel’s theory of action, then, I will assume Davidson’s conception, without excluding an eventual ontological reduction of events. This procedure implies the thesis that an answer to this ontological question has no immediate relevance for action theory.

Now that the ontological options behind the terms “deed,” “alteration,” “circumstance,” “presupposed,” and “situation that has arisen” have become visible, I will proceed to analyze the ambivalence of the relationship “having responsibility” in order to more precisely determine the causal relationship, and to render the differentiation of event and description fruitful for interpreting Hegel’s arguments.

*4.1.2 The Ambivalence of “Having Responsibility.”* The difficulty in interpreting Hegel’s use of “responsibility” stems from its dual connotations of causation and attribution; both relationships are supposed to be equally covered by the concept of “responsibility.” In this investigative

<sup>14</sup> This suggestion is an attempt to distance events as processes or alterations from the ontology in which they are analyzed as ordered pairs of circumstances. Von Wright, for example, has argued for this option, according to which an action can be analyzed as bringing it about that a situation in which p is the case changes into a situation in which q is the case (cf. Davidson 1985, p. 165, and von Wright 1979, p. 40 ff and p. 47). Alterations (processes) can thereby be ontologically reduced to ordered pairs of situations at different points in time. For the purposes of this book, it is not necessary to resolve this debate. For the further portrayal of Hegel’s theory, I will assume the event-ontology developed by Davidson and defended by him against various reductive strategies. This procedure is justified because it allows us to make clear the consistency of Hegel’s statements, and also because a reduction of event-ontology itself could be a further theoretical task (cf. Quine 1985). An adequate theory of action could then always still have the shape of Davidson’s theory, only the concept of an event would have to be introduced in the proper way.

step, I will show that “having responsibility” comprehends both meanings for Hegel, but that he does not at all identify the causal consequences with the attributable consequences.

In §§115-117, Hegel himself thematizes the various connotations bound up with “having responsibility.” In an already quoted note to §115, Hegel states that the will generally “has responsibility” for a situation that has arisen insofar as “the abstract predicate ‘mine’ attaches to the existence<sub>D</sub> so altered” (§115). This statement, which registers the causal sense of “having responsibility,” binds to the will all those facts of a subsequent existence<sub>D</sub> that were caused through an event in which the will was involved. It is the event-character of action – which Hegel also describes as “the nature of the finite deed itself” (R §119) – that causes the consequences. Since the finite will must, owing to its finitude, always express itself in such events, all those facts can be ascribed to it that contain the “abstract predicate ‘mine.’” The justification for why some facts can receive the predicate “mine” stems from the assumption that these facts would not exist without the event: The will is responsible for their existence. Hegel indicates this in the marginal notes to §115, when he writes: “Responsibility – what ground, – ground, – as active – as that which has been done.” “Having responsibility” also describes, as he elucidates in the same passage, the relationship that binds an “efficacy” to “what is produced.” As a first result, therefore, we have established the notion that “having responsibility” extends to all of those facts that exist because an event has taken place in which the will was involved.

CONDITIONS, MOMENTS, AND CIRCUMSTANCES. In the *Science of Logic*,<sup>15</sup> Hegel introduces the concept of “real possibility,” and defines it in the following way:

Thus real possibility constitutes the totality of conditions, a dispersed actuality which is not reflected into itself. (LII 177, M 547)

In each case of action, a situation that contains “manifold circumstance” is “presupposed.” In this preceding situation, an action takes place that, as an event, is the cause for this situation’s changing into a new situation, one “having arisen” through the action. The preceding circumstances are necessary “conditions” for the action’s success. The occurrence of an action-event has the effect of reaching the desired end only with the

15 The relationship between the *Philosophy of Right* and the second section of the chapter “Actuality” of the *Science of Logic* (= LII 175 ff) was already noticed by Larenz 1927, p. 77.

presence of specific conditions. Each occurring event, as a moment, must therefore be directed toward the circumstances in order to be causally successful. Because of this connection, different circumstances and different moments can be given as the cause of an “occurrence” (R §115), of a situation’s having arisen. The demarcation of a specific moment or specific circumstance is thus also always dependent on the norms and interests of the one who wants to causally explain the new situation.<sup>16</sup> Hegel’s remark that the totality of the conditions is the real possibility of “a dispersed actuality that is not reflected into itself” (LII 177, M 547), stresses again the finite character of nature and of the action *qua* event. To nature, its own immanent rationality is not the object; it is external to itself. The entire nexus of its parts is therefore dispersed, not rationally “reflected into itself,” and therefore contingent and unfree. This means that the occurrence of different events in the course of an action can make a causal contribution to a new situation, a contribution that was not yet foreseeable at the time of the action. It then becomes necessary to keep separate different kinds of consequences in relation to the evaluation of action. But in order to do this, it is first necessary to sort out the difference between causation and attribution. Hegel attempts just this in §§116–118.

“BEING RESPONSIBLE” AND “HAVING RESPONSIBILITY.” It is almost always the case that there is more than one condition<sup>17</sup> for an event A’s transforming an existing situation into an altered situation. With complex facts – Hegel himself names the French Revolution – one can name many circumstances that constitute the situation designated with the name; this would mean that all events (Hegel uses the concept “moment” (R §115)) that have caused such a circumstance can be said to “have responsibility” for the French Revolution.

<sup>16</sup> The demarcation of specific moments is often dependent on norms (such as our expectations), because those events are emphasized that are not everyday, not “the rule.” When – to name an example – a person crossing the street in a crosswalk is run over by a car, we cite the conduct of the driver, and not the conduct of the pedestrian, as the cause. Here, the norm that pedestrians are justified in crossing the street in a crosswalk, and that cars must stop for them, plays a decisive roll. As regards the interest-dependence of causal explanations, one can name the diverse ideologically bound theories of explaining historical events (for example Marx), or – in case one is not ready to admit statements of historians as causal statements – one can point out that we often name as causes those moments in which the alteration stems from our action. We do not call gravity or the solidity of a mountain the cause for an airplane crash, but rather we cite pilot error or a construction flaw in the airplane.

<sup>17</sup> Otherwise formulated: exactly one condition with different “moments.”



Every individual moment which is shown to have been a condition, ground, or cause of some such circumstance and has thereby contributed its share to it may be regarded as being wholly, or at least partly, responsible for it. (R §115)

For an event to be sufficient for bringing about an altered existence, requires many circumstances that are necessary conditions of the subsequent situation. One can understand Hegel's distinction between "being responsible" and "having responsibility" as the distinction between necessary *and* sufficient condition (in the case of "being responsible") and necessary condition (in the case of "having responsibility"). Hegel's weakening of "having responsibility" is expressed through "at least," and can be understood as saying that it entails only necessity, but not sufficiency.<sup>18</sup>

THE DIFFERENCE OF CAUSATION AND ATTRIBUTION. In the *Nachschrift* of Wannenmann from the years 1817/1818 (thus before the writing of the *Philosophy of Right*), Hegel attempts, by means of the concepts "being responsible" and "having responsibility," to capture the difference of causation and responsibility:

The will as activity effects the alteration, and the will is (not: it has) responsible for the alteration and its consequences. This is the concept of being responsible in general. (The having of responsibility, the attribution, is something different.) (Wan §54)

The noteworthy equation in this quote of "having responsibility" and "attribution" was abandoned by Hegel in the text of the *Philosophy of Right*. There, the difference of "being responsible" and "having responsibility" is one that remains within the causal framework. The difference between causation and responsibility therefore lies inside the meaning of "responsibility" itself. Anchored in our normal, non-scientific concept of causality, the difference of necessary and sufficient causes, and the demarcation of specific circumstances or moments as "primary causes," remain within the causal framework. While this difference has implications for attribution and responsibility, it does not span the difference of causation and attribution.

THE FUNCTION OF §116 OF THE *PHILOSOPHY OF RIGHT*. Since, as just discussed, the difference of "being responsible" and "having responsibility" does not capture the distinction between causation and

<sup>18</sup> Hegel's reflections on the causal concept overlap on many points with Mackie's analysis; cf. Mackie 1974 – especially Chapter 3.

attribution, in the *Philosophy of Right* Hegel indicates another way in which the concept of “responsibility” must be differentiated. Before Hegel in §§117 and 118 introduces the difference of action and deed as two descriptions of an action-event, and explicates the differentiation of the event’s consequences, he inserts in §116 an observation that explicates the legal element of “endangerment responsibility.” This juridical analysis has been emphasized by Hegel’s interpreters because this principle of right was not yet established at the time of the *Philosophy of Right* was being written. Aside from this appreciation of the content, it is not clear systematically why this paragraph stands in this position. The analysis of the concept “purpose” continues in the following paragraphs, so according to the progress of the conceptual development, §116 seems to be an insertion.

This impression disappears immediately, however, if one reads the progression of §§115-118 in light of action-theoretic questions: After Hegel in §115 has worked out the multiple meanings of causal explanation and of the evaluation of causes and effects, he indicates in §116 that there are events whose consequences can be attributed to an agent although the will was not involved in the caused event.

It is admittedly not of my doing if damage is caused to others by things of which I am the owner and which, as external objects, exist and function within a varied context (as may even be the case with myself as a mechanical body or living entity). But the damage is more or less my fault ... (R §116)

The paragraph that follows begins with the words, “The autonomously acting will” (R §117). This statement, which taken by itself can only with difficulty be brought into unity with Hegel’s other statements about the connection of will and action, becomes clear in connection with the previous paragraph and with the question I have emphasized of the difference of causation and attribution. Hegel shows in §116 that some consequences that were not caused by an event in which the will was involved can still be attributed to an agent. The relationship

Attribution (subjective will, X, consequences of X)

is different from the relationship

Being-the-Cause (subjective will, X, consequences of X),

where “X” stands for events and “consequences” means causal consequences.<sup>19</sup> The difference is that the relationship of attribution is between other pairs of events than the relationship of being-the-cause. §116 shows that there are consequences of events that can be attributed to the subjective will without its having been involved in the event that causally brought it about. §§117 and 118 show, on the contrary, that not all the causal consequences caused through an event in which the subjective will was involved are attributed. The following relationships thus exist between the set of events that in each case fulfill the two relationships: (1) Not all events whose consequences can be attributed to me as an agent are causally brought about through an event in which my subjective will is involved. (2) Not all events are attributed to me that are causally brought about through an event in which my subjective will is involved.<sup>20</sup>

THE INVOLVEMENT OF THE SUBJECTIVE WILL. A remark in §116, allows me to elucidate the locution, which I have already used several times, of the *involvement* of the subjective will in an event. In §116, Hegel writes in a parenthetical remark that a human being can also just causally “function” (R §116) as a mechanical body or as a living entity in contact with other things, without being active as will. The will is involved in an event when this event is an intentional act.<sup>21</sup> The cluster of events that is intentional under at least one description is the act of a subjective will – that is, the cluster of events in which this will is involved. Since each event can be described in many ways, one must still single out from the set of all possible descriptions those that capture the perspective of the agent himself. This subset, then, is the description of an event as an action. The involvement of the will in the narrow sense thus makes an act into an intentional action. As I discussed

19 The causal relationship is between the event X and the consequences of this relation, but not between the subjective will and the event. In the relationship of attribution, events can also be inserted for X in which the subjective will is not involved. In the relationship “Being-the-Cause,” on the other hand, this is not allowed. A further difference is that in the relationship of attribution, not all of the causal consequences of X may be inserted. There are causal consequences that are not attributed.

20 My deed is the totality of all events that are brought about causally through an event in which my subjective will is involved.

21 Cf. also the marginal note to R §119, where Hegel writes: “Action an act (not mechanically like an animal . . .)”. This makes it clear that the involvement only applies to the will. Hegel holds the view here that mere bodily movements are, in opposition to doings, “mechanical.”

in Chapter 2, Hegel describes the status of the belief of an agent with the concept “immediate.” The involvement of the will can therefore be understood as the particular relationship of the action-belief to the action-completion; in modern discussions, this has been analyzed as, for example, “knowledge without observation.”<sup>22</sup> Hegel, too, brought out this peculiarity of knowledge of action in his theory of action. For any interpretation of Hegel’s arguments, it is important, however, *not* to conceive of this involvement of the subjective will *as a causal relationship*: Hegel always speaks of the subjective will having brought about the altered situations, but he never claims that the relationship of will and action-event should itself be determined in causal concepts. He also does not analyze the relationship of intention and action-event in causal concepts, though I should note that he says hardly anything about this relationship.<sup>23</sup>

*That* an event is intentional means therefore that a subjective will is involved and that the agent is conscious of his deed in a specific way. Events can be described in light of their consequences – that is, one can describe an event as the cause-of-consequences-ABC. It is clear that not all causal consequences of events are included in the perspective of the agent himself on his deed. Many consequences of our action-events are causally, yet not intentionally, brought about. As Hegel has shown in §116, many consequences are ascribed to a will even though they were not brought about through intentional action-events. Further, it is in the very nature of finite events to become the “co-originator” with other concurrent events of consequences that were not intended by the agent. We see here two ways, on two different levels, of distinguishing between consequences. First there is the distinction of kinds of description (R §117), in which the subjective will makes the distinction of deed and action as two kinds of interpretation of an action-event. And then there is also the distinction between the consequences directly caused through the action-event and those that were only “co-originated” through the action-event (R §118). This distinction operates on the event level itself. I will thematize the difference in type of this distinction in explicating Hegel’s locution of “splitting up the

22 Cf. Anscombe 1957, Dennett 1969, Chapter 9 and 1978, p. 282f, as well as Chapter 2 of this book.

23 One reason for this absence is that he is concerned with the evaluation of actions; another is that he accepts teleological statements as genuine explanations. I return in my concluding remarks to the lack of analysis of the relationship of grounds for action and causes of action.

consequences" (R §118, mod.). I will show that the distinction between description and event serves to clarify the difference of attribution and causation.

*4.1.3 The Division of the Consequences.* In §§117 and 118, Hegel writes that the consequences of an action-event attributed to the subjective will are not identical with the sum of all the causal consequences. In §117, he shows how the totality of the action's consequences (those that occur without the efficacy of other additional events) is divided into the attributable and the non-attributable consequences. The criterion for this division is "the right of knowledge" (R §117). The attributable consequences whose occurrence the agent could foresee in his subjective end and in knowing the relevant circumstances of the presupposed existence<sub>D</sub> must be recognized by him as his action.

It is, however, the right of the will to recognize as its action, and to accept responsibility for, only those aspects of its deed which it knew to be presupposed within its end, and which were present in its purpose."  
(R §117)

Since one can describe an event in terms of its effects, the difference Hegel proposes here between deed and action can be understood as saying that with "deed," all the descriptions are brought together that describe the action-event in light of some of its causal consequences, independent of whether these consequences were intended by the agent or even taken into account. "Action" is accordingly that subset of the descriptions that describes the action-event in light of the consequences intended by, or at least known by, the agent. We thus see that the relationship of attribution does not directly assign to the subjective will the set of all caused events, but rather takes up events under certain descriptions.<sup>24</sup>

<sup>24</sup> Larenz, who does not make the distinction of event and description, comes to the conclusion with regard to this difference of deed and action that "the attribution (...) [is] a teleological judgment" (p. 68) and "not a causal one" (ibid.). The complete elimination of the causal representation leads in his work to the result that he cannot register Hegel's distinction of merely causal and intended consequences. For that reason, Larenz's terminology is decidedly opposed to Hegel's: "With the deed we finally understand what the Hegelians and Binding understood with action: the entire actualization of the will, namely both the immediate activity of the subject – the action –, and the later detached happening – the consequences of the action – as far as it is governable by the will, and can serve the end" (p. 75). It is clearly the case that with this reconstruction, Larenz can capture the differentiation inside of the relation of attribution, whose teleological

Whereas in §117, only those consequences were taken up that were caused immediately through the occurrence of the action-event in a situation with determinate circumstances, Hegel in §118 addresses cases in which an event is the joint author of a new situation, because simultaneously or after the occurrence of the event in question, another event takes place and the two events together are sufficient cause for a consequence. This division of the consequences into “contingent” and “necessary” (R §118) is, in contrast to the division into intended, known and not known consequences, a division within the causal relation itself. This clearly shows that Hegel took into account the event-character and the causal relationships of actions and consequences. But here it is again the case that attribution cannot simply be modeled on the causal relationship. When, for example, an agent at the time of action knows that another event is also occurring or will occur, and that the action-event itself and this other event are sufficient for a specific consequence, this consequence can certainly be attributed to the subjective will. This point shows again that the distinction of “being responsible” and “having responsibility,” which underlies the division of consequences thematized in §118, is not sufficient to account for the difference of attribution and causation.<sup>25</sup> Hegel himself expresses the complicated triangular relationship thus:

These consequences, as the [outward] shape whose soul is the end to which the action is directed, belong to the action as an integral part of it. But the action, as the end translated into the *external world*, is at the same time exposed to external forces which attach to it things quite different from what it is for itself, and impel it on into remote and alien consequences. The will thus has the right to accept responsibility only for the first set of consequences, since they alone were part of its purpose.” (R §118)

Here once more all the elements appear together: Hegel distinguishes the causal consequences that were directly caused through the

character arises through the description-dependence; but it is equally clear that he cannot do justice to Hegel’s own account. The deed is the description of an action-event in light of all of its causal consequences. For this to come out right, one must make the distinction of description and event, a distinction that Hegel had in mind when he distinguished the deed from the action. All quotes from Larenz 1927.

<sup>25</sup> In a marginal note to §120, Hegel uses the concept “being responsible” exactly in the sense given here.

occurrence of an action-event<sup>26</sup> from those that were jointly caused through the occurrence of other events. But for attribution, it is again only crucial which circumstances were known by the subjective will at the time of action, which consequences were foreseeable or even intended. Hegel's locution that the "soul" of the action "is the end" can be understood to mean that through the description (that has recourse to the subjective end) of the event as an action, the known and willed consequences are picked out from the totality of the consequences of an event. The subjective end is the criterion for the selection of these events; it serves as the organizing principle of this subset, and is thus the soul of the action, manifesting itself in the totality of the effects as their shape.

Thus, for the questions relevant for the philosophy of right – namely, the questions of responsibility and attribution, the content of the subjective end – the content that Hegel analyzes with the concepts of purpose and intention – is decisive. The relationship of attribution therefore relates events in specific descriptions to one another, while the causal relationship immediately posits the events in relation. The right of the subjective will, however, is just the claim that not all causal consequences can be attributed, but rather that with attribution, the agent's knowledge and wishes must be taken into account. Hegel discusses this in his analyses of purpose and intention, which serve at the same time to render precise the determination given in §110 – namely, the extent to which the subjective end contains the subjectivity of the agent for the agent himself.

## 4.2 Actions under Descriptions: Purpose and Intention

Having discussed the relationship of action-events and action-descriptions in the last section, I will now present Hegel's treatment of the form of the subjective end. As I have already mentioned in

<sup>26</sup> In the *Nachschrift* of Hotho from the year 1822/1823, Hegel explicitly elucidates the connection of action-event and consequence: "In that the action gives external existence<sub>D</sub> to the purpose, and thereby brings it into relation with an other, which through the becoming other of its other is itself altered, the action preserves consequences" (II III, p. 360). This statement is interesting for two reasons. First because Hegel elucidates the causal alteration with concepts from his logic of being, and also because he accounts for the consequences that are caused through the action-event alone – those presupposing a given situation. It is also important to note that the concept "alteration" itself is likewise one from the logic of being. At any rate, there is only in the first edition of the *Science of Logic* a corresponding chapter (SL 82ff). In the reworked edition, this part is absent.

Chapter 2, Hegel provides, with his concept of action, an analysis of an action's *intentionality*, which he understands as the agent's possession of a determinate *belief* at the time of the action. In the first two sections of the Morality chapter, Hegel further elaborates his conceptual determination of this belief, and spells out more precisely the way in which the subjective end contains – for the agent himself, and also for others – the subjectivity of the agent. He provides an account of the way in which the objectified subjective end preserves the subjectivity of the agent – both for the agent himself and also for others. Besides serving this function, Hegel's arguments in the first two sections of the Morality chapter also fulfill another task. Hegel distinguishes two moments within the voluntary component of the knowledge of action: *the proposed* and *the intention*. The conceptual determination of these two moments constitutes the logical progression from the first to the second section of the Morality chapter, and at the same time represents – for Hegel – a higher development of subjective freedom.<sup>27</sup>

Hegel attempts to reach this goal with the help of a distinction between *purpose* and *intention*. He wants to explain the diverse “rights of the subjective will” through a determination of the distinction's logical structure. In the first part of this section (Section 4.2.1), I will investigate the action-theoretic meaning of the actual juridical concepts and their relationship to each other. I will also outline the consequences for Hegel's theory of action that result from his developing the theory within his philosophy of right, from orienting the theory around questions of attribution and evaluation.

In the second part of this section (Section 4.2.2), I discuss the relationship of the *cognitive* and *voluntary* components of the *intentionality* of actions, a discussion required because Hegel's theory is dominated by the cognitive element. I will analyze the diverse “rights of knowledge” and the “kinds of responsibility.” I will also take up again the logical determinations of §110, and make them more precise. In conjunction with this, I will investigate Hegel's thesis, crucial for action-theory, of the cognitive character of intentionality.

In the concluding section (Section 4.2.3), I will show that Hegel's arguments in the first two sections of the Morality chapter contain an important distinction within the *voluntary* component: Hegel separates *the proposed* from the *intention*. I will also show thereby that central action-theoretic differentiations can be formulated with

27 The terminology invoked here will be elaborated and justified in what follows (4.2.3).



Hegel's conceptual apparatus. His distinction of "purpose" and "intention" has action-theoretic relevance independent of the juridical origin of the concepts, since with it the *proposed* in an action can be conceptually contrasted with the *intention with which*<sup>28</sup> an action is implemented.

*4.2.1 Purpose and Intention.* Hegel gave the first two sections of the Morality chapter the titles "Purpose and Responsibility" and "Intention and Welfare." The composition of each of these two titles, and also the relationship of the two sections to each other, presents the interpreter with several problems. The earlier analysis of the distinction between "action" and "deed" has already revealed one source of these difficulties. I also stated earlier (in the introduction to Part II of this book) why I will not take the conceptual connection that Hegel draws – between the form and the content of action – as my guide. The title of the second section of the Morality chapter, however, does present such a connection, though one that I will not thematize. As the contentful determination of the intention, "welfare" will first be investigated in the next chapter. In this section, I will deal with Hegel's analysis of the form of the intention, and its relationship to the purpose. With regard to the connection of purpose and responsibility, which the title of the first part of the Morality chapter suggests, I have already established that the statements of §§115-118 offer little on the theme "purpose." The main focus of these paragraphs is clearly on the distinction of causation and attribution. All that is said there about the purpose is that it (1) is the standard of attribution, and (2) is a belief. My thesis is that the concept of purpose is analyzed in relation to the concept of intention, and not in relation to the concept of responsibility.<sup>29</sup> Yet the precise determination of the relationship of "purpose" and "intention" presents the interpreter with a riddle.

(1) THE RELATIONSHIP OF PURPOSE AND INTENTION: THREE THESES. Hegel distributed "purpose" and "intention" to two sections of the Morality chapter. This alone leads one to suspect that he wants to bring out with this distinction a logical progression of the form

<sup>28</sup> Cf. Wood 1990, p. 141.

<sup>29</sup> Hegel himself was probably not altogether happy with the connection of "purpose" and "responsibility." In the *Encyclopedia*, he had altered the title of the first section of the Morality chapter to "Purpose" (cf. E §504), while the title of the second section remained unchanged. In any case, the title of the third section was also changed (cf. E §507).

of the subjective end.<sup>30</sup> This supposition will be called (T-1) in what follows.

When one further investigates the relationship of the two determinations that form the elements of the subjective will, one discovers that they are clearly not disjunctive concepts. The marginal note to §114 states it explicitly: "What is intention, is also proposed" (R §114R). On the one hand this result supports (T-1), which follows Hegel in employing the distinction of "purpose" and "intention" to indicate the formal difference within the subjective will; on the other hand it only sharpens the question of where the difference in content should actually be located. Hegel does say clearly that "purpose is different from intention" (R §115R), but the most obvious thesis about the character of the difference proves to be untenable.

The supposition that one initially has as a reader, and that in what follows will be called (T-2), is that Hegel wants to register with the difference of "purpose" and "intention" the difference between the *cognitive* and *voluntary* components of the subjective will. It would fit well with this thesis that Hegel speaks in reference to purpose of the "right of knowledge" (R §117), and brings intention into relation with interest and welfare.

TWO OBJECTIONS. It speaks against this supposition, however, that Hegel determines the "right of intention" (R §120) in the following way: "to assert itself as known and willed by the subject as a *thinking agent*" (ibid. – Hegel's emphasis). If a plausible reply (cf. Section 4.2.2) to this objection can be found, and intention is in fact a voluntary component, then the second argument against this suggestion actually becomes stronger. There are obviously actions in which there is a purpose but no intention. Hegel himself names "imbeciles" and "children" (R §120), whose lesser ability to judge leads them to not follow intentions with their actions. This again, on the one hand, supports the thesis that "intention" is different in logical form from "purpose,"<sup>31</sup> but it is also clear, on the other hand, that the difference between purpose and intention cannot be the difference between knowing and willing. When there are actions that are purposeful, without an intention's coming into play, then a voluntary component must be contained

30 I will not for now analyze this supposition, but rather will wait until Section 4.2.3 to investigate the relationship between the proposed and the intention.

31 It supports the thesis, but does not prove it, since with the difference in the capacity for judgment it could also be a matter of quantitative difference, so that no logically categorical progression is needed. The proof of (T-1) will be brought out in Section 4.2.3.

in the purpose. So purposeful actions are probably conceivable without intentions (cf. Section 4.2.3), but in no way are actions conceivable without a voluntary component.

Thesis (T-2) can clearly only be saved through a conceptual shift: One would have to simply designate the voluntary component of the purpose with the concept “intention.” But the price for that move would be high. First, the difference – admitted by Hegel – between purposive action without intention and purposive action with intention could no longer be properly maintained. Further, one would have to give up (T-1). Since all action would be purposive action with intention, the differences within the capacity for judgment could only be gradual (quantitative). But then a logical progression of the form of the will from purpose to intention is no longer plausible.

If one understands (T-1) and (T-2) as *interpretive hypotheses*, then the escape route sketched here is obviously not viable. It would mean rendering incomprehensible why Hegel asserts a progression of the form of action from “purpose” to “intention.” That Hegel asserts such a progression is clear from many points in the text. To cite additional passages, Hegel speaks of “transition from purpose to intention” (R §118R); he asserts that the relationship of means and ends first plays a role with intention (cf. R §120R); he connects the purpose with the “individual” and the intention with the “universal” (cf. R §118R and R §119R); and, the decisive instance, he logically characterizes purpose and intention through different forms of judgment (cf. R §114R). If one is interested in an adequate interpretation of Hegel’s thought, the escape route-mentioned is quite obviously blocked.<sup>32</sup> There is, though, one interpretive suggestion that both affirms (T-1) and also delivers a plausible alternative to (T-2). For in order to preserve (T-1), (T-2) must be modified.

THE ALTERNATIVE: (T-3). My suggestion for interpreting the first two sections of the Morality chapter reads Hegel as pursuing two goals. First, he addresses the conditions for the *attribution* of actions. *Purposiveness* encompasses “purpose” and “intention” and is (i) synonymous with intentionality. Purposiveness (= intentionality) is understood as the *belief* of the agent with regard to his own act at the time of its completion,

<sup>32</sup> It is thereby, of course, not yet ruled out that regarded *systematically*, the escape-route referred to is passable. It would then be the case that Hegel’s theory is materially contestable. One can, though, also find systematic arguments for Hegel’s analysis and against the suggestion given here. I will show (in Section 4.2.3) that Hegel’s determinations contain important distinctions that are unavoidable for any adequate analysis of action.

and should be analyzed as the cognitive moment. Both the proposed and the intention fall under this term *as known*. Second, the difference of “purpose” and “intention” is (ii) a difference within the voluntary, which concerns a difference of the form (of the conceptual structure) of these moments. This formal difference is responsible for the logical progression asserted in (T-1).<sup>33</sup>

The alternative (T-3) thus consists of two parts. The first part (i) is linked to the analysis of §110, and continues the thesis of this investigation: *that Hegel determines the intentionality of action as the determinate belief of the agent at the time of the action* (cf., in addition, Section 4.2.2 of this book). The second part (ii) of (T-3) must (as an interpretive hypothesis) be supported by the logical determinations within the second section of the Morality chapter. In Section 4.2.3, I will also introduce systematic arguments that support Hegel’s theory. First, however, I will discuss some of the effects resulting from Hegel developing his action-theory within his philosophy of right.

(II) ACTION THEORY AND PHILOSOPHY OF RIGHT. Hegel developed his concept of action and his theory of action in the context of his philosophy of right. On the one hand, this connection enables Hegel to portray the particular character of the beliefs that make actions intentional. His theses that freedom must be explained through subjectivity and that right is “freedom as idea” (R §29) allow him to capture the self-ascriptive character of the beliefs of intentional actions (cf. Chapter 2). The connection also means that Hegel develops his action-theory within the framework of attribution and evaluation.

Hegel equates the being-for-self freedom of the will in the narrow sense with the *intentionality* of actions, and for that reason he does not account for all the expressions of will that are not accompanied by a representational element. Since Hegel is primarily interested in questions of attribution and evaluation, he develops a conception of the description-dependency of action. Further, the various difficulties of evaluation and attribution lead him to the difference between the relationships “being-the-cause” and “attribution.” His philosophical interpretation of these difficulties succeeds through the distinction of action-event and action-description.

Beyond these points, the discussion of action-theoretic problems in the context of juridical questions and issues in the philosophy of right is also helpful in locating differences inside of the voluntary. Hegel’s

33 Cf. also on this point Kaulbach 1982, p. 94 ff.

philosophical justification and explanation of evaluative and attributive praxes does indeed set out important distinctions. The context in which Hegel carries out his analysis of action is fruitful largely because juridical praxis employs many differentiations that must be explained in terms of action-theory and moral philosophy.

But the context in which Hegel develops his action-theory does not only have advantages. Since he is always concerned with the problem of attribution of an action's consequences and the evaluation of action, Hegel's perspective is constantly *post festum actus*. For him, the question is never how action-events are caused.<sup>34</sup> And since, in addition, he conceives of the intentionality of action as an agent's *belief*, there is a striking dominance of the cognitive element within Hegel's theory. This dominance is further strengthened because he only investigates attributable and (thereby) intentional actions. In this way, Hegel can also largely leave out of account the voluntary components, since they must in any case also be known by the agent.

As a whole, it should be kept in mind that because of the context in which he develops his theory of action, Hegel provides no analysis of the coming to be of actions (the causes of action). Also important is that because of the focus on attribution, he places the cognitive element in the foreground. This last point will be further investigated in what follows.

*4.2.2 Intentionality and Attribution: The Dominance of the Cognitive.* In §110 of the *Philosophy of Right* Hegel, gave the "more precise and distinctive determination" of the "identity of the content" that is characteristic for expressions of the subjective will. These expressions of the subjective will, according to my first thesis, are *intentional* actions; the "distinctive determination," according to my second thesis, is the *form* of the belief of the agent with regard to his act. Hegel's arguments can be conceived, according to the interpretive hypothesis of this study, as an attempt to conceptually determine the *intentionality* of actions as a *cognitive* structure: the specific form of the agent's belief in reference to his act.

In Sections 2.1.1 and 2.1.2, I thoroughly explored Hegel's attempts to provide the "more precise and distinctive determination" (R §110) of the form of intentional action. For that reason, I will only repeat here

34 I interpret the few statements on that question in the concluding remarks of this book.

the result in the form of *Sentence 3*, and present Hegel's refinement of this determination.

(*Sentence 3*) The content is determined for X himself as the content of X in such a way that, in its identity, it contains the subjectivity of X *for X himself* not only as the inner end of X, but also contains the subjectivity of X *for X himself* insofar as this end has achieved external objectivity.

This sentence means that the agent has a specific belief about his act: He knows, first, that it is his own act. He also knows that this act is the realization of a subjective end. He knows further that the inner end contains his subjectivity. Above all, he knows that his subjectivity remains preserved after the objectification of the inner end. This knowledge constitutes the intentionality of the action: The agent grasps the realization as the realization of a specific end – that is, the realization is given to him in a specific perspective. It is this perspective under which the agent describes and evaluates both his act and the consequences resulting therefrom. It is the right of the agent's will

to recognize as its action, and to accept responsibility for, only those aspects of its deed that it knows to be presupposed with its end, and that were present in its purpose. (R §117)

Hegel describes this right as “the right of knowledge” (ibid.). It is in the praxes of attribution and justification of actions, then, that the extent to which the subjectivity of X is contained for himself and for others is revealed.

INTENTIONALITY AND ATTRIBUTION. The attribution of a consequence of action assumes that the action-event causing the consequence occurred intentionally – that is, it assumes that during the implementation of the action, the agent had a specific belief in reference to his act, a belief that has been described here as a “perspective” on, or “description” of, the event. Hegel distinguishes within his theory the attributable from the non-attributable consequences by conceiving of intentionality as a content-specific belief of the agent. The content of this belief, whose conceptual structure Hegel developed in §110, establishes the description under which an event can be *ascribed* to the agent.

In this investigation, I have introduced two distinctions, distinguishing between “event” and “description,” on the one hand, and between “deed” and “action” as two modes of description, on the other. The first distinction proved to be fruitful in explaining the ambivalence within

the relationship “having responsibility.” The second distinction now proves appropriate for clarifying the relationship of *intentionality* and *attribution*.

It is important to keep two questions separate. One question, which one could call the *extensionality question*, runs: How, from the set of all events, can one select out the set of action-events – namely, those events in which a determinate subjective will is involved? The other question, which one could call the *intensionality question*, runs: Assuming that X is one event in the set of action-events – which is the description of X under which it is attributable to the agent?

The extensionality question is aimed at finding criteria that are necessary and sufficient for characterizing an event as the act of an agent. More specifically, it is aimed at finding these criteria independent of what the agent himself may have seen in his act. The intensionality question, on the other hand, attempts to locate the differences that arise with regard to the attribution and evaluation of action-events. In this book, I cannot go into the various strategies that are used to address the extensionality question in the current debates. So, too, the diverse considerations with regard to the second question can only interest us insofar as they shed light on Hegel’s theory. How does it stand with Hegel himself?

Hegel does not discuss the extensionality question in the context of the philosophy of right. His attention is given exclusively to answering the intensionality question. His argumentation constantly presupposes that the events in questions are “expressions of the subjective will,” then asking under which description the events can be attributed to the agent. The distinction introduced in this book between “deed” and “action” presents Hegel’s position with regard to the intensionality question. Both modes of description assume that the event in question is an “expression of the subjective will” (therefore an act). Both presuppose that the event in question is accompanied by a specific belief of the agent with regard to this event. The presence of a belief structured in a specific way can be understood, according to Hegel, as the necessary and sufficient condition for an event’s belonging to the set of action-events.<sup>35</sup> In my analysis of §110, I have shown that the intentionality

35 This thesis has already been thoroughly unfolded in Chapter 2 of this book. I should note once more that Hegel develops the conceptual determination “expression of the subjective will” in the course of his speculative method. He does not attempt to explain the occurrence of an action-event in analyzing the relationship of intentions, motives,

of an action-event can be registered through the interplay of different subjective components within the belief of an agent about his act. Each event that is accompanied by such a belief therefore belongs to the set of action-events.

OMISSIONS AND FAILURES. Following Hegel's account, omissions can also be considered intentional actions.<sup>36</sup> To count his act as intentional, the agent must connect the act to a belief that a certain consequence will follow that would not have followed if he had behaved differently. This act can also be a non-motion (a conscious standing still), and since what is crucial is the agent's belief, failures can also be considered intentional. The important condition is that the consequences of an action-event can be described as such by the agent. The only problematic cases for Hegel's approach are complete failures, in which nothing in the agent's belief is correct; in such cases, Hegel's criterion of the identity of the content in the objectified subjective end is not fulfilled. But such extreme cases are also difficult to construct. In most cases, at least, the belief is accurate that I, for example, move a certain part of my body. It may be that my belief that I have performed a graceful dance is inaccurate. But the belief also includes the idea that I move my body, and this is accurate most of the time. Yet if one construes error so that an agent can err that he moves a certain part of his body, or – even more drastically – that he moves his body at all, then one can easily see that it becomes impossible to conceive of him as an agent at all. For that reason, we should assume that some of the features ascribed to the event by the agent's belief actually do belong to the event.

So, claiming that an event belongs to the set of action-events means asserting that the agent has a specific belief about this event. Whereas the description of the event as "deed" simply stops at this assumption

and ends, on the one hand, to action-events, on the other. He is exclusively interested in the distinction of "deed" and "action," since it allows him to explain juridical and moral evaluative praxes.

<sup>36</sup> The sorts of cases Hegel has in mind in §116 cannot be considered intentional actions, since in those cases, the events are not ones in which the will of the agent is involved. The thesis that the attribution of action-events and consequences refers to the intentionality of the action should not be confused with the thesis that only action-events – those events in which the subjective will is involved – and their consequences can be attributed. The other cases that Hegel has in mind can be related to the will because in them, "property" is at issue. And since Hegel also thinks of the relationship of body and will as a possession relationship (cf. §40 or §§47 and 48), events and consequences can be attributed to the will that did not happen intentionally, because the concrete subject has placed himself beforehand, either intentionally or negligently (for example, through alcoholism), in a situation in which his capacity for action is "sublated." Cf. R §132.



and then chooses an arbitrary description (for example in terms of the causal consequences), the description of the event as “action” takes into account the perspective of the agent himself. We no longer only assume *that* such a belief is present, but now the content of this belief is brought into the picture to describe the event in question. The praxes of attribution and evaluation of actions are directed toward the content of this belief.

(1) THE RIGHT OF KNOWLEDGE AND THE KINDS OF ATTRIBUTION. In the Morality chapter, Hegel distinguishes between various rights of the subjective will and various kinds of attribution. He speaks of the “right of the subjective will” (R §107, R §132R, R §137R), of the “right of the subject” (R §132), and of the “right of the moral will” (R §114). In their concrete differentiated “shape” (R §107), these rights constitute the moral standpoint. Hegel subdivides this “shape” into various rights corresponding to the three sections of the Morality chapter. These rights can be divided into two kinds. In the first kind, one takes the knowledge of the agent as the standard and derives from it the criteria of evaluation and attribution. The *rights* that result rest on specific action-beliefs, whose conceptual structure Hegel provides in §110. Rights of the second kind are those rights that manifest the conceptual structure of the “expression of the subjective will.” These rights should therefore be understood as *norms* that an action must satisfy. They are derived from the conceptual determinations given in §111. Hegel also calls these norms “rights,” but it is important to keep in mind that they are not rights of the agent, but rather rights of the “objectivity of action” (R §120). One can understand this in two ways: First, what we are dealing with here are *norms* that an agent must fulfill because actions – according to Hegel’s analysis – have a determinate conceptual structure. In this sense, we are actually not dealing with rights insofar as we are not prepared to admit that conceptual structures have rights. But on the other hand, we are dealing here with rights, since other subjects can make a claim that an agent should fulfill the norm in question. The “rights of objectivity” now in question are at the same time justified claims that others can make concerning the action of a subject.<sup>37</sup> The two kinds of rights are therefore distinguished from each other in that

<sup>37</sup> A moment of conventionality clearly comes into play here. The attribution is very clearly also dependent on cultural and individually shaped expectations. This is especially clear with negligence, where a specific standard of attentiveness is presupposed as normal. Cf. also Hegel’s use of the formulation “more or less” when he addresses this problem in §116.

in one case, the agent's belief is the standard, and the rights of the agent with regard to evaluation are at issue, whereas in the other case, the conceptual structure of the actions is the standard, and a norm is imposed on the act of the agent. I will now discuss the relationships of intentionality, knowledge, attribution, and the rights of the agent, and postpone the analysis of the "right of the objectivity of the action" (R §120) until Section 4.2.3 and Chapter 5.

**THE RIGHTS OF THE AGENT AND THE KINDS OF ATTRIBUTION.** In discussing "purpose," Hegel talks of the "right of knowledge" (R §117), also naming a "right of intention" (R §120) and a "right of insight into the good" (R §132). These three rights correspond to the three kinds of "accountability" (R §132R) that Hegel claims "all depend on knowledge" (*ibid.*). Though in addressing the conceptual development within the sphere of Morality, Hegel stated that "the whole" (R §114R) moves in the opposition between "what is" (*ibid.*) and that which "is for me and in me" (*ibid.*), Hegel now claims that for attribution what is decisive is "how the actuality is for me – in knowledge, consciousness" (R §132R). He also says very clearly that here the belief at issue is "theoretical" (*ibid.*). Accountability is the locus of the freedom of the subjective will as the "subjectivity in knowledge" (*ibid.*).

**THE RIGHT OF PURPOSE.** This "subjectivity in knowing" is a conscious process of the agent himself, for it is a form of the being-for-self of subjective freedom. I have just analyzed how this subjectivity is exhibited in relation to the purpose: The interpretation of a present existence, in light of the opinions and wishes of the agent can be distinguished from the objectively existing situation. The causal consequences of the action-event that constitute the deed also contain the subjectivity of the agent, but only in an objective way (*cf.* Section 2.1.2). For the agent himself, and for others, this subjectivity is contained in the objectivity of the realized subjective end only when the set of all consequences is "split up" into the attributable and the non-attributable consequences. For the agent himself, subjectivity is preserved because he can refer – in *apologies*, *justifications*, and *reason-giving* – to his knowledge, to his perspective. For others, the agent's subjectivity is contained *as subjectivity* when his subjective perspective functions for others as the standard for selecting from the set of consequences those that are attributable to him.

**THE RIGHT OF INTENTION.** In so far as it is a right of the agent, the "right of intention" (R §120) also expresses the being-for-self of subjective freedom: The agent justifies his act by claiming that it occurred

in order to achieve something determinate. To the extent that this *in order to* is invoked to justify the action, the agent refers to his right, and expresses the being-for-self of this freedom (the knowledge of it). Vice versa, the recognition of the intention in the evaluation of an action and its consequences is of course how this freedom becomes objective for others *as the right of subjectivity*.<sup>38</sup>

THE RIGHT OF THE GOOD. Hegel describes the right pertaining to the quality of an action, the right of judging it morally good or bad, as the “highest right of the subject” (R §132). It expresses the agent’s demand to know, for the sake of the moral quality of his action, that he knows how to apply the standard of good and evil. In this demand, the form of the subjective will, as self-determining individuality, is brought to being-for-itself. The arguments that Hegel makes with reference to this right do not, however, actually belong to his action-theory, but rather stem from his appropriation of Kant’s thesis that the essence of subjective freedom and of rationality cannot be conceived without reference to morality. This right of the good has in common with both of the other kinds of attribution and rights of subjectivity that it is a *knowing*. Hegel expounds here a position of ethical cognitivism, rejecting any appeal to feeling. But this right is distinguished in principle from the other two, since it plays no role in the intentionality of an action.<sup>39</sup> Since this book is oriented around action-theoretic questions, I will address Hegel’s specifically moral theses (in Section 5.2) only insofar as is necessary to determine their relationship to his action-theoretic theses.

The three kinds of attribution coincide with the agent’s different capacities for judgment: (i) his competence to correctly judge his own act and the situation in which it takes place; (ii) the capacity to realize his intention with his act, and (iii) his ability to judge the specifically moral quality of his actions. Whereas the last has no consequences for the attribution of actions, the knowledge of the purpose and intention

<sup>38</sup> The “right of intention” also has a determination of *content* that I will thematize in Chapter 5. Further, the right related to purpose is distinguished from the right of intention since different competencies are involved for the agent. As I will first go into this difference in the next section (4.2.3), I mention here only what the two rights have in common. Since what is specific about the “right of insight into the good” is not addressed until Chapter 5 (5.3), here I only stressed the commonality.

<sup>39</sup> Cf. also on this point Hegel’s footnote to §140, where he follows Aristotle in claiming that moral error does not affect the imputability of action. In the case of moral quality, the “right of objectivity” clearly dominates over the “right of the agent”: moral error is (i) irrelevant for the question of the attribution of actions, and (ii) subjective moral judgments do not decide the moral quality of an action.

is decisive for the agent's subjective freedom being contained in the act. The difference between the purpose and the intention is, however, not further relevant for the analysis of attribution, since they have in common the feature of being known by the agent at the time of the action. In the following, I analyze and defend the cognitive character of intentionality as a load-bearing determination of the attribution of actions. I will investigate the difference between the purpose and the intention – a difference within the voluntary itself – in Section 4.2.3.

(II) ATTRIBUTION AND INTENTIONALITY: A COGNITIVISTIC ANALYSIS. Hegel's view is that questions concerning the attribution of action must be addressed in terms of the *beliefs* of the agent about his act. All rights that the subjective will can claim with regard to the evaluation of his acts are "rights of knowledge." Justifications and excuses refer back to what the agent knew about the circumstances in which he acted and to those features of his act that he recognized at the time of action.<sup>40</sup> An agent's assertion that he did not know that his act had certain features aims at not allowing the deed to be attributed to him under certain descriptions. It is an action attributable to him only under the descriptions that he himself knew at the time of the action.<sup>41</sup>

Besides the evidence that one can deduce from justificatory and exculpatory strategies, one factor above all supports Hegel's claim that *intentionality* is determined through the agent's belief. Not only does this claim entail the idea that those qualities be attributed *for the sake of which* the agent carried out his act, but it also means attributing those qualities that he *accepts* along with the willed activity. But the latter are just the qualities of an act that the agent recognizes. In the context of attribution, the agent should be held to these just as he is held to the qualities of his act that he both knew and wished.<sup>42</sup> This attribution of qualities that are only known but not directly willed justifies (i) the

<sup>40</sup> Cf. the analysis of the various models of excuses in Austin 1986.

<sup>41</sup> With regard to cases of negligence, one must say "of which he could have known at the time of action" – Hegel himself uses the formulation "was able to know" (R §132R). The standards that lie at the basis of this counterfactual contain both a conventional and a normative element. In the case of negligence, the agent is reproached for not having undertaken the usually expected measures to arrive at an appropriate judgment about the quality and consequences of his act. These reproaches can of course also be made by the agent himself.

<sup>42</sup> Meiland distinguishes between "purposive" and "nonpurposive intentions" in order to frame his analysis of intention so broadly that the "accepted" qualities of an act can also be included in intentionality (cf. Meiland 1970, p. 7 ff). Goldman too introduces the

intentionality of the action's being distinguished from the proposed and from the intention, and (ii) the determination of intentionality as a cognitive quantity.<sup>43</sup>

The fact that both kinds of qualities (those that are only known and those that are both known and willed) are ascribed to the agent means that the intentionality of an act must be both specified as the agent's belief, and conceptually separated from the analysis of the intention. This fact also provides a response to one of the objections mentioned here. The objection was that the intention describes what is *willed* in the action, and not what is *known*. We can now say that in the case of intentional action, everything willed is also known as intentionally willed. Therefore, Hegel formulates the right of intention as

to assert itself as known and willed by the subject as a *thinking agent*.  
(R §120, Hegel's emphasis)

In relation to the intentionality of actions, the differentiations within what is willed – that Hegel captures with the distinction of the proposed and the intention – are irrelevant. In order for them to be attributable, the agent must bring both the proposed and the intention into connection with his deed at the time of the action. He must believe that his act has the *proposed* quality and the feature of realizing his *intention*. It is this connection that entails the idea that the intention always be “also proposed” (R §114R).

Analyzing action from the perspective of attribution results in taking the intentionality of the act as the decisive criterion. The distinctions within the belief become largely unimportant, since what is known and what is willed are equally attributed. So too the differences within what

concept of “nonintentional actions” in order to be able to integrate into the concept of intentionality the known but not willed qualities of an act.

<sup>43</sup> Cf. on this point the arguments of Davis in his introduction to the theory of action (Davis 1979, pp. 57 to 72). He writes, “In legal contexts, acting knowingly is generally considered enough for ‘intention’” (p. 64). His considerations of whether “knowledge” is a necessary condition for intentionality (cf. p. 69 ff.) can be brought together with Hegel's analyses if one sets aside the position that Hegel would speak of “belief” rather than of “knowledge.” The cases introduced by Davis, in which no knowledge is necessary, are those in which an agent has access in principle to the relevant knowledge, but at the time of the action did not have ready knowledge of it; Davis also considers cases in which it was possible and justified to demand from the agent that he acquire the necessary knowledge. Both are cases of negligence, which Hegel can integrate into his theory since he recognizes both the rights of the agent and the right of the action (cf. in the text here the distinction of the two kinds of right). Wood also correctly emphasizes this against a criticism by Ilting. Cf. Wood 1990, p. 142.

is willed cannot be captured from within the perspective of attribution. For the question of whether something is attributable or not, only the knowledge is decisive. For the *evaluation* of an action, however, the relationship of the known, the proposed, and the willed does play a role. How the relationship of the proposed and the intention is determined has obvious effects on the judgment of action. We evaluate the act of killing a person differently when the agent causing the death only had the purpose of hitting the other and when the agent hit with the intention of killing the victim. It makes an additional difference when we take into account that the perpetrator wanted to kill the victim in order to get his money. Such things are attributable only when the perpetrator refers to these factors in his belief about the action; but the act is evaluated not only according to the belief, but also according to the difference in the agent's volition. The fact that we distinguish degrees of imputability and responsibility shows that we also connect with the difference in volition (now to be investigated) different degrees and kinds of freedom and rationality.

*4.2.3 The Proposed and the Intention.* In this section, three questions will be central: I will first (I) investigate what constitutes the difference between the proposed and the intention, and how Hegel specifies the difference within his conceptual framework. Next (II), I will ask whether there can be action without an intention. Third (III), I will attempt to clarify the connection between the intention and the means-end relation. I will show thereby that the intention – as the content of the subjective will – represents a higher development of subjective freedom. Action with an intention reveals in the agent a higher standard of attribution and capacity for judgment, as well as a specific rationality. The last claim is also what allows Hegel to make the transition here to the content of the subjective will.

(I) TYPES OF JUDGMENT: THE DIFFERENCE BETWEEN THE PROPOSED AND THE INTENTION. In Section 4.2.1, I presented the thesis (T-1) that there is a conceptual progression in the first two sections of the Morality chapter. This thesis implies that Hegel divides the content of the subjective will into conceptually different types, and that the difference falls within the *voluntary* component of the “expression of the subjective will.” Since Hegel only investigates intentional actions, what is willed is always also known by the agent. The distinction of the merely known (the “accepted”) and the known-plus-willed plays no role in the difference that I will now analyze. In the context of attribution, both

the proposed and the intention encompass both relationships to the act. We can therefore set aside the difference of knowing and willing in determining the distinction between the proposed and the intention as the difference of two voluntary components. I do not of course mean to dispute thereby that different kinds of knowledge are necessary for the different types of intending.

TERMINOLOGICAL DEFINITIONS YET AGAIN. I have thus far conceptually distinguished the *proposed* from the *intention* without attempting to refine the distinction. I have not formulated this distinction in Hegel's own conceptual terms – as the difference of “purpose” and “intention” – in order to keep clearly separate the two levels of Hegel's argumentation. The concept “purpose” has a double meaning for Hegel: In one sense, it includes “intention,” whereas in the other sense, it is the opposing concept to intention. The first use of “purpose” is part of Hegel's attempt to answer the question of the attribution of actions. “Purpose” in this sense means the same as “purposeful,” and is captured in my terms as *intentionality*. In the second sense, “purpose” should be conceptually distinguished from “intention.” This use of “purpose” serves, within Hegel's arguments, to specify a difference within what is willed. For this second use, I employ the concept “the proposed.”

It is also necessary to both demonstrate and avoid a double meaning of the concept “intention.” One uses the concept “intention” in the first place to name a mental state. But one can also with “intention” designate the content of this mental state. In one case, the concept “intention” means a specific type of intending, whereas in the other case it means a specific type of intended content. The two meanings of “intention” can of course be mutually defined through each other: “Intention” (in the sense of the intending) is that volition that takes an “intention” (in the sense of the intended content) as its object. The converse of course also holds true. But this should not lead to a confusion of the meanings. Here, “intention” and “the proposed” designate two *types of intended content*. Since Hegel himself not only distinguishes between the objects of intention, but in his theory of judgment also specifies various *types of intendings*, I will designate the intending of the proposed as “to propose,” while I will call the intending of an intention “to intend.” The possibility of mutually defining the two meanings of intention naturally also holds true (and in the same way) for the relationship of “to propose” and “the proposed.” Hegel's theory of judgment contains both moments.

TWO STRATEGIES. Underlying these definitions is the thesis that we should distinguish two *voluntary* components of the subjective will. Hegel's text contains three statements that aim at specifying this difference. He asserts (a) that "purpose" and "intention" are different types of intending and should be specified through different forms of judgment. He also asserts (b) that the proposed and the intention are logically different types of content. He also assigns to the proposed and the intention (c) different types of accountability, manifesting different freedoms of the agent. These three statements do not simply designate three differences; rather, the claims all depend on each other. Nonetheless, the three statements are distinguished in their points of approach: (a) and (b) are directed toward the conceptual structure, whereas (c) sets out from the descriptive and evaluative praxes themselves. We should thus expect that (a) and (b) be closely connected and that (c) be dependent on the conceptual structure.<sup>44</sup>

(II) TYPES OF JUDGMENT AND THE CONTENTS OF THE WILL: THE FIRST STRATEGY. Hegel emphasizes several times that the content of the proposed is the *individual*, whereas the intention is directed to the *universal*.<sup>45</sup> Thus, in the marginal note to §118, for example, Hegel writes that the "purpose asserts the *individual*" (Hegel's emphasis), and in the marginal notes to §114 he writes, "Intention is something *universal*" (Hegel's emphasis). In the *Encyclopedia*, Hegel explains the difference between the proposed and the intention in the following way:

While the purpose entails only the immediate existence<sub>D</sub>, intention entails the underlying essence and the aim thereof. (E §505, mod.)

44 In action-theoretic debates, one comes across both strategies. Anscombe chooses the path through the descriptive and evaluative praxes (cf. Anscombe 1957, §§22 ff), whereas Meiland conceptually distinguishes different kinds of intentionality in that he shows that they have different kinds of content as their object (cf. Meiland 1970, p. 35 ff). Hegel pursues both strategies, since he is concerned in the *Philosophy of Right* both with the descriptive and evaluative praxes and with a conceptual analysis of the "expressions of the subjective will." Meiland admits "states of affairs," "actions" (of the agent and those of other subjects), and "events" as objects of intentions (cf. p. 35), but he means thereby types of action and types of events, and not action- or event-individuals (occurrences). Thus, "actions" and "events" are abstract objects. Of course, the latter holds likewise of "states of affairs." For that reason, the categorical difference that Hegel has in mind cannot be registered. Meiland distinguishes the kinds of intentions by distinguishing classes of objects, and not by categorially differentiating the forms of intending themselves.

45 I quote in the following only some particularly striking passages, without attempting a complete inventory.



This remark supports the suggestion that different contents – *categorically* different contents – become the object of purpose and intention. In the *Encyclopedia*, Hegel continues his discussion by specifying the “form” of the intention as the “abstract form of generality” (E §506), which stands in the relationship of “essentiality” (ibid.) to “the empirically concrete action” (ibid.). I have argued in the course of this book that with immediate existence<sub>D</sub>, Hegel wants to signify the action-event. I will now clarify the sense in which the proposed “deals with” *only* this immediate existence<sub>D</sub>. By contrast, as I showed earlier, the relationship of intention and action-event is determined as “essential.” Hegel characterizes the “essentiality of the intention” (E §506) as “the abstract form of universality” (ibid.). He thereby distinguishes from his concept of the (speculative) concrete universal the concept of universality that he designates as “the universality of reflection – that is, *communality* or *totality*” (R §24, Hegel’s emphasis).

In §119 of the *Philosophy of Right*, Hegel shows that the description of an action-event, seen through its intention, is “the isolating of an individual aspect” (R §119) through which a “universal predicate” (ibid.) is assigned to the action-event. His examples are “arson, murder, or the like” (ibid.). In the marginal notes to the same paragraphs, he elucidates this kind of description of action-events as the “determination of the same [of the action] as of a universal, ordering, class” (R §119R). According to the *content*, the intention is the “end” (R §122), that which is aimed at in the action; according to the *form*, it is the “universal quality of the action” (R §121).

This universal quality should be understood as the action type that *ought* to be exemplified through the action-event. In a remark in which Hegel provides the difference in form between the proposed and the intention (and in which he leaves the aspect of content out of the picture), he writes:

- a) Intention – in general as such. Formal difference in general – The universal of any content that is not yet determined.” (R §119R)

Hegel analyzes the difference indicated here with his theory of judgment. While the purpose is logically determined through an “immediate judgment” (R §114R), intention corresponds to a “judgment of reflection” (ibid.). Since I will take up later Hegel’s statements on the extent to which the praxes of “justification” (R §119) and “assessment of action” (R §119R) contain the difference of “purpose” and

“intention,”<sup>46</sup> I will first only deal with the theory of judgment insofar as it serves the strategy of establishing categorially different contents for the difference in question.

THE JUDGMENT OF EXISTENCE<sub>D</sub> AND THE JUDGMENT OF REFLECTION. I will analyze Hegel’s theory of types of judgment only with regard to those aspects that are relevant for the aim sketched earlier. I will not further discuss the differences between various types of judgment within the two species of judgment. The perspective I focus on here leads to a selective analysis of Hegel’s statements, an analysis that cannot do justice to the complexity of this section of the *Science of Logic*. Hegel’s argument is shaped by the close connection of ontological and logical questions, which, in the context of his metaphysics of subjectivity, are woven into a unity that can probably only be maintained in the context of his speculative system. For Hegel, “judgment” always has an ontological sense in addition to the logical one. It is *the self-determination of the concept itself*.<sup>47</sup>

In trying to determine how the contents (the proposed and the intention in the sense introduced here) of the two kinds of intendings (the proposing and the intending) are distinguished, the difference between the “judgment of existence<sub>D</sub>” and the “judgment of reflection” proves informative.

AN ALTERNATIVE INTERPRETATION. In his commentary on the Morality chapter, Michelet relates the purpose to the “singular judgment,” which is the first form of the judgment of reflection (cf. Michelet 1828, p. 43). The reason for this match is clear: Michelet attempts to assign to all levels of Hegel’s theory of action a form of judgment in the *Science of Logic*. As evidence for his reading, he cites only Hegel’s designation of the singular judgment of reflection as “the immediate judgment of reflection” (LII 288). The otherwise very thorough commentary (in which Michelet largely worked out the relationship to Aristotle), though very close to Hegel, must nonetheless be rejected on this point.

As an argument against Michelet’s interpretive hypothesis, I would like to point out that in the marginal notes to §114, Hegel calls the forms

<sup>46</sup> At issue will be what I have called the second strategy – demonstrating a difference within the voluntary through the analysis of the descriptive and evaluative praxes.

<sup>47</sup> Cf. Düsing 1984, p. 251 ff. on the function of the doctrine of judgment in the speculative theory of subjectivity in Hegel’s logic. A precise analysis of the corresponding section of the logic is carried out by Salomon (cf. Salomon 1982), who also places the speculative content at the center of the discussion.

“immediate judgment,” “judgment of reflection,” and “judgment of the concept” (R §114R) – stages of development. These correspond to a section within the chapter on judgment, but not to the various forms of the judgment of reflection. Michelet’s alternative ordering leads him to analyze intention with the help of the “categorical judgment” (cf. Michelet 1828, p. 85), a determination that Hegel never mentions in the *Philosophy of Right*. For my interpretation, there is also the textual evidence from the *Heidelberger Encyclopedia*: “The immediate judgment is the judgment of existence<sub>b</sub>” (HE §120). Further, the fact that Hegel offers “the evil action” (LII 285, M 642) as an example for an “infinite judgment” can be taken as an argument against Michelet’s suggested interpretation, since the “infinite judgment” is the third form of the “judgment of existence<sub>b</sub>.” Besides these arguments from the text, though, what speaks above all for my interpretation is that it allows Hegel’s theses to be understood as providing systematically relevant determinations of various kinds of intention.

THE DIFFERENCES BETWEEN THE KINDS OF JUDGMENT. The subject-predicate structure underlies both kinds of judgment. Yet the subjects the predicate belongs to are determined in categorially different ways in the two judgments.

The judgment in its immediacy is in the first instance the judgment of existence; its subject is immediately an abstract individual which simply is, and the predicate is an immediate determinateness or property of the subject, an abstract universal. (LII 272, M 630)

Compare this with the sentence that the section “The Judgment of Reflection” begins with:

In the judgment that has now arisen, the subject is an individual as such; and similarly the universal is no longer an abstract universality or a single property, but is posited as a universal that has gathered itself together into a unity through the relation of distinct terms. (LII 286, M 643)

From both statements, it is clear that Hegel understands with “judging” not only a logical process, but also an ontological process. In this latter sense, the statements contain, in relation to the immediate judgment, the thesis that the conceptual structure reaches down to the level of existing individuals.<sup>48</sup> Hegel’s ontological assumption is not relevant for

<sup>48</sup> Cf. on this point also Salomon’s elucidations: “The doctrine of judgment not only presupposes that the concept, in which (as universal concept) being and essence have been

my purposes here, since the difference between the proposed and the intention can be explained from the logical form of the judgment. The locution introduced in Chapter 2 of the *propositionalization* of the matter establishes, in any case, that the content always has a universal form and can be fulfilled through a certain class of events. The difference that Hegel has in mind must therefore be found within the form of what is willed.

THE FIRST DIFFERENCE. As forms of propositional attitudes, both the proposed and the intention are thus universal in nature. The difference that Hegel provides must therefore be found within this universality. In fact, both statements offer differences both for the subject and for the predicate. The subject of the J-E<sup>49</sup> “is” (LII 272, M 631) an existing individual, whereas the subject of J-R is an individual “as such” (LII 286, M 643). This formulation “as such” means nothing other than that the logical character of the individual is also “posited,” and therefore conceptually explicit. This positing must be located within the form. On the side of the predicate, the statement of J-R makes the difference clear: whereas the predicate of J-E is “an abstract universality or a single property” (*ibid.*), the predicate of the J-R should be a universal, whose universality is “posited” (*ibid.*) and therefore explicit. It is clear from this distinction that Hegel definitely had in mind the proposition that both the proposed and the intention be given in the form of universality, so that the difference cannot be simply the difference between a type of action and an action-event. Hegel must, rather, distinguish levels of the universality of predicates and demonstrate why intention explicitly posits the logical determinations of individuality (of the subject) and of universality (of the predicate). Before I make an interpretive suggestion to determine the features needed to distinguish the proposed

sublated in the famous double sense, in its determinations, the determinations of the concept, has fallen apart. It presupposes in a more determinate sense that the concept is developed to the concept-determination of individuality, in which as individual it is opposed to itself as universal concept” (Salomon 1982, p. 7). Hegel’s ontological thesis that the conceptual structure extends to individuals as the opposite of the universal raises eminent problems that cannot be pursued here. Among contemporary positions, there is only one known to me that makes a similarly comprehensive assertion. I am thinking of Castañeda’s RelationC\* (the co-substantiation or co-factuality), which he introduces in Castañeda 1982, p. 361 ff. In my view, the reason that Hegel holds this strong thesis lies in his understanding of the copula as an identity relation, not as predication.

49 In the following I use “J-E” for “judgment of existence<sub>D</sub>” and “J-R” for “judgment of reflection.”

and the intention, however, I will present yet a second difference that holds for Hegel between J-E and J-R.

THE SECOND DIFFERENCE. For Hegel, the differences of the various forms of judgment are at once a self-development and further determination of the *concept* itself. The following statements, which I quote in context, describe a difference between J-E and J-R with regard to the logical movement of this further determination. These statements are interesting for the question addressed here because they touch on the different relationship of the subject concept and the predicate concept in the two kinds of judgment. This is also a feature that my interpretive suggestion must integrate.

Further, as regards the determination as it appears in its movement in the judgment of reflection, it should be remarked *that in the judgment of existence the movement of the determination showed itself in the predicate*, because this judgment was in the determination of immediacy and *the subject consequently appeared as the basis*. For a similar reason, *in the judgment of reflection, the onward movement of determining runs its course in the subject*, because this judgment has for its determination the reflected in-itself. *Here therefore the essential element is the universal or the predicate; hence it constitutes the basis by which, and in accordance with which, the subject is to be measured and determined*. However, the predicate also receives a further determination through the further development of the form of the subject; but this occurs indirectly, whereas the development of the subject is, for the reason stated, a direct advance. As regards the objective signification of the judgment, *the individual, through its universality, enters into existence*, but in an essential determination of relationship, in an essentiality which maintains itself throughout the multiplicity of the world of Appearance; *the subject is supposed to be determinate in and for itself*; this determinateness it possesses in its predicate. The individual, on the other hand, is reflected into this predicate which is its universal essence; the subject is insofar a concrete existence in the world of Appearance. *The predicate in this judgment no longer inheres in the subject; it is rather the implicit being under which this individual is subsumed as an accidental*. If the judgments of existence may also be defined as judgments of inherence, judgments of reflection are, on the contrary, judgments of subsumption. (LII 287 f, M 644-45)

I cannot pursue here the speculative arguments with which Hegel justifies this "movement" of the determinations. What is important is the difference between the relationship of subject and predicate that Hegel designates with "inherence" and "subsumption." So, too, it is important that in the one case the subject is the basis, whereas in the other the

predicate is the basis. These are the determinations that my interpretive suggestion concerning the proposed and the intention must take into account.

In total, we can establish four mutually conditioning differences: The first two differences are that with J-R, the logical determinations of subject (i) and predicate (ii) are each explicitly “posited,” which is not the case with J-E. The third difference (iii) is that with J-E, the subject is the basis, whereas with J-R, the predicate is the basis. The fourth difference (iv) concerns the relationship of subject and predicate. With J-E, the predicate inheres in the subject, whereas with J-R, the subject is subsumed under the predicate. It is clear that (iii) is a consequence of (iv). It is likewise clear that the logical explication of subject and predicate in (i) and (ii) provides the ground for the differences (iii) and (iv). How, though, can these requirements be carried over to the problem under investigation here?

(III) THE PROPOSED AND THE INTENTION: AN INTERPRETIVE SUGGESTION. When X proposes to do something, his willing has the form of J-E. This proposed has the following form:

X wills that an event *e* takes place, which has the features *F* and *G* and *H* etc., and is an act of X-himself.

“X-himself” expresses again the idea that the agent knows that it is his own act. I will symbolize this in what follows with the predicate “A-he\*” (read: “is an act of X-himself”). One can, then, symbolizing “taking place” with an existence quantifier,<sup>50</sup> render the form of this willing: X wills, that

$$\exists e [(A\text{-he}^*, e) \ \& \ (F, e) \ \& \ (G, e) \ \& \ (H, e) \ \& \ \text{etc.}]$$

Before commenting in detail on this formula, I would like to analyze the analogous case of willing in the form of J-R.

When X intends that his act be a realization (a contribution to the realization) of B-ness, then his will has the form of J-R. The intention has the following form:

X wills that the feature of B-ness be exemplified through an event *e*, where this event *e* is an act of X-himself.

<sup>50</sup> For the sake of simplicity, the space of time between the willing of the occurrence and the occurrence of the event should be infinitely small, though of course the time of the willing cannot be later than the time of the occurrence. Difficulties (and possibilities) that result when one admits a longer duration cannot be dealt with here.

Symbolizing the relation of exemplification with "EX," the form of this willing is: X wills, that

EX (B-ness,e) & (A-he\*,e)

The relationship of exemplification should thereby be understood to imply the occurrence of such an event *e* (through which the B-ness is exemplified). Thus, only individual events (occurrences) can exemplify B-ness.<sup>51</sup>

Viewing these two forms of willing in this manner, it is evident that they differ with regard to the four features just explicated. In J-E, the subject is the basis, since the subject's occurrence is willed and the subject should have certain features. One can understand Hegel's claim that this judgment is directed to the individual as saying that the conjunction of the willed features can be infinitely multiplied in order to reach an ever more precise individuation of the single event. The movement takes place on the side of the predicate, which is determined as a possibly infinite conjunction of features.<sup>52</sup> If one does not accept Hegel's ontological thesis that the universality reaches down to the individual, one can still accept the proposition that there is always a class of events whose elements possess all willed features. From this point of view, it is always a type of action that is intended.<sup>53</sup> The predicates F, G, and H are always universal. But since they are thought of here as inhering in an individual event, their universality is not explicit in the form of the judgment. Conversely, the categorial opposition to the individuality of the subject is also not "posited." The (bad) infinity of the conjunction of features is for Hegel an indication that individuality is not posited, but

<sup>51</sup> The distinction touched on here between "intentionality" (or "purposiveness"), on the one hand, and purpose and intention, on the other, can be registered in the following way: "(A-he\*,e)" expresses the belief that the act is "mine." Intentionality is thereby registered as a specific belief with a self-ascriptive character. The conjunction "&" in connection with the predication "(F,e)" is the specific form of the purpose, whereas "EX(B-ness,e)" expresses the specific form of the intention.

<sup>52</sup> In my view, Hegel's J-E is directed to the description of an individual thing in the case of knowledge, whereas in the case of willing it is directed to the occurrence of an individual event. Both can be rendered with the existence quantifier. Even if Hegel did not have the logic of quantifiers at his disposal, he can still formulate analogous determinations in his theory of judgment. The distinction of event and description make possible his analysis of the proposing as J-E.

<sup>53</sup> Hegel's ontological thesis has its roots, as already mentioned, in the interpretation of the copula as identity. Taken in this way, one can then understand the individual as an infinite conjunction of its features. I cannot, however, pursue this difficulty further here.

rather remains hidden behind an abstract universality. Thus he writes in the *Science of Logic*:

First, then, the judgment (the judgment of existence<sub>D</sub> – M. Quante) considered in respect of its form asserts that the individual is universal. But the truth is that such an immediate individual is not universal; its predicate is of wider scope and therefore does not correspond to it.” (LII 277, M 635)

The case is the opposite with J-R. Here, the relationship of subject and predicate is conceived not as that of inherence, but rather as that of exemplification. Therefore the difference of universal and individual becomes explicit. The universal (the predicate) is conceived as A-ness, which is exemplified through the individual, whereas the individual (the subject) is conceived as a determinate subject that exemplifies this universal. This is a judgment of reflection because the relationship of exemplification is an “essential” relationship between universal and individual. The universal has its “existence” in its exemplifications, whereas the individual receives its identity through its exemplification of the universal. As what exemplifies, “the subject is insofar a concrete existence in the world of Appearance” (LII 287, M 645). The relationship of exemplification therefore holds between the posited individual and the posited universal; the relationship of the two is an “ought,” and the universal is the basis.

The decisive difference between the proposed and the intended is that the former wills the occurrence of an event in which certain features inhere. The latter, on the contrary, wills that the occurrent event (with certain features) be at the same time subsumed under a universal. To justify this difference, it is not enough to point out that the predicates are individual in one case and universal in the other. Rather, there must be a difference within the universal itself. Hegel formulates this too: whereas the predicates in J-E are only the “abstract universal” (LII, 273, M 631), since they immediately inhere in the individual subject, the predicates in J-R are a “determination in a relationship or a unifying universality” (LII 286, M 643); they express an “essentiality” (ibid.).

In relation to action-theoretic questions, Hegel’s claim is plausible if one admits that action-types (predicates) are always intended, and one also allows that within this claim there exists a categorial difference. There are those action-types that are directly exemplified when an event with certain features occurs in a specific situation. And there are also those action-types that can only be exemplified in that another action-type is exemplified. The latter predicates stand to the



event-individuals that exemplify them in a “relationship” that expresses a relation (“through the fact that” or “in that”) between action-types, whereas the predicates of the former kind belong “immediately” to the event-individual in which they inhere.<sup>54</sup>

If one introduces such a difference, one would of course also like to have criteria for deciding which predicates are used in the different forms of judgment. Since the differences between J-E and J-R rest on an altered form of the relationship between subject and predicate, but not on different sorts of predicates, this attempt is not promising. Whether or not the occurrence of an event is an exemplification of a certain action-type depends on the concrete situation. And of course the exemplification relationships can also be repeatedly applied. It makes sense to want to exemplify A-ness *in order to* exemplify B-ness. One can, for example, want to convert a penalty shot in order to win the final game, and to do so in order to become world champions in football. Continuing down, the chain of relationships appears to end with the bodily movements: It is still meaningful to say that one moves one’s body in a certain way in order to shoot the ball in the necessary way. But it obviously makes no sense to go further down and say that one will call upon some sort of bodily process in order to move in the appropriate way. The lower boundary here is what we can still do intentionally. That is, normally, conscious bodily movements.<sup>55</sup>

It is still more difficult to establish an upper boundary. Here, almost everything depends on the concrete situation; the question is whether an agent can plausibly describe his A-act as the exemplification of B-ness. In the case of the football player just introduced, we are certainly ready to accept his chain of intentions – first-order and higher-order<sup>56</sup> –

54 For a modern analysis of such relations between types of action, compare the theory of Goldman. It is important that the issue here be conceptual relationships, not causal relationships. Since Hegel separates the event and the descriptions, it is possible for him to uncover conceptual relationships that can exist between different descriptions of an event. Further, he can also integrate into his theory of action the fact that the agent takes into account such relationships in his willing when he sees his action in these descriptions. Hegel’s theory agrees here with the action-theory of Goldman. The action-types that are the object of J-E become the basic actions in Goldman’s sense – that is, those actions that we can complete without having to complete other actions. These basic actions are the lowest level in Goldman’s action diagrams.

55 In special cases, or with special talents, this boundary can shift. Some people are, for example, able to calm themselves by (consciously) lowering their heart rate.

56 A higher-order intention is an intention that can be exemplified through an intention of the next-lowest order. An intention of the first level is one whose exemplification is a function not of another intention, but rather only of the occurrence of an event (on higher-order intentions, cf. also R §122).

when we set out from the knowledge that the penalty shot is an event within the final game.<sup>57</sup> But if the penalty shot is, for example, in a league game, then the above explanation of intention would be rather incomprehensible. If the shooter were to say to us that he wants to convert the penalty shot in order to be nominated to the national team, in order then with this team to successfully advance in the World Cup to the final game, in order then to win it, and so on, then we would probably not be ready to take this seriously. Here we see that an agent must have knowledge (a belief) about wide-ranging contexts so that with his action, he can also follow intentions. The more improbable it becomes that the occurrence of an event *e* leads to the exemplification of B-ness, the less ready we are to see in the agent's act a realization of this B-ness. But how much actually depends on the concrete situation becomes clear when we notice that we would also not understand the shooter if the penalty shot were to take place in the last minutes of the game and the other team was at that time already three goals ahead. Our readiness to see in the act an exemplification of B-ness always depends on the concrete situation, on our knowledge (belief) of probable consequences (considerations of probability) and of the constitution of the world (socially and physically).

Hegel himself limited intention in the *Philosophy of Right* to first-order intention. Thus he admits as the universal nature of action in intention only the "next kind" (R §120R).<sup>58</sup> But it is also clear that no criterion is established thereby for what the "next kind" of action is. This is always established by the space in which the event is evaluated.

(1) DESCRIPTION AND EVALUATION: THE SECOND STRATEGY. As already suggested here, the difference within our descriptive and evaluative praxes between the proposed and the intention depends on the difference we can infer from the conceptual structure. Because we can recognize and will events (and things) not only as bearers of features, but also as exemplifications of the universal, we are in a position to give various descriptions and evaluations of action-events. Since I have already detailed the logical relationship between the willing of the occurrence of an event and the willing of the exemplification of an action-type, I would like to discuss here just briefly the distinctions that this difference in our evaluative praxis reveals.

57 The important role played by knowledge of the world in the exemplification relationship is evident in that every reader (probably) implicitly made this assumption.

58 In a *Zusatz* to §229, Hegel defines "next kind [nächste Gattung]" as *genus proximum*.

Punishable deeds are often assessed based on the intentions with which they were carried out (negligent death versus manslaughter versus murder). Here, the capacity of the agent plays a decisive role in describing his act by means of the relationship “in order to,” “through the fact that,” or “in that.” If an agent wills to kill in that he hits the victim on the head with a stool or a beer can (Hegel’s example, R §120R), then it is manslaughter; if he wants to get richer in that he kills the victim, then it is murder. The converse holds as well: If we know that an agent is not in a position to rationally apply this relation,<sup>59</sup> then we do not ascribe to him the deed as the realization of an intention, but rather only as the realization of the proposed. The capacity to will and to grasp action-events as exemplifications of intentions presupposes “another *form* of accountability” (R §120R – Hegel’s emphasis) than the attribution that consists in someone’s willing certain features of an action-event. This other form of accountability is at the same time a higher standard of rationality and (a related point) involves a greater degree of freedom, as well as conferring more responsibility on the agent. This stems from the fact that more complex contexts can be known and willed, ones that presuppose judgmental and cognitive capacities and a certain amount of knowledge of the world. The question remains open, at any rate, as to whether, from the standpoint of our everyday practice, an action without intention is conceivable at all.

(II) ACTION WITHOUT INTENTION? As I have already discussed, Hegel admits actions without intention because he distinguishes between various kinds of accountability, and for attribution and *intentionality*, the first form of accountability – the proposing – generally suffices. But how does an action look when it happens without intention? Responding to inquiries after the act, an agent without intention may only give features of the action-event that belong to it “immediately.” His description of the act may contain either no relationship between the proposed and the first-order intention, or contain it only in a way that demonstrates that the agent’s capacity for judgment is not sufficient to produce this relationship in a meaningful sense. Hegel elucidates this:

Purpose asserts the individual, something one connects to as an other, not contained in the purpose – I reject the action as a universal. (R §118R)

59 As in the case of the football player who still wills, implausibly, to win the game for his team in the last minutes.

This remark clarifies once more the context in which Hegel is arguing: The rejection, of course, occurs most often when an agent (for example, before a court) is concerned that certain things not be attributed to him. Here we are only interested in the facts contained in this rejection that are relevant for action-theory. Let us therefore grant that the agent actually does not have the second form of taking-responsibility at his disposal. His answers to questions about the “why” of his action will then always turn out to be rather scanty. He will not dispute the fact that an action was committed by him, and he will also be able to give descriptions of his act that express his perspective. But this perspective will appear to be *one-dimensional*. It will give the impression that the agent describes his act in complete isolation, without wider connections, since for him the competence to produce logical connections is largely missing.<sup>60</sup>

Nevertheless, this act is also still an action, and therefore attributable. The reason for this is that it is intentional under a certain description. This is expressed through “A-he\*.” Even if this description is scanty, it does fulfill the minimal conceptual demand of expressing the being-for-self freedom of the subjective will. It contains a self-ascription. Only a complete rejection of the why-question – “Oh, I didn’t know that I did anything at all!” – does not fulfill this criterion.<sup>61</sup> For that reason, we should also agree with Michelet that the purpose can be “defined as the desire, springing from deliberation, for things standing in our power.”<sup>62</sup>

60 Anscombe set forth these connections thoroughly, and showed that the everyday concept of intention would be very poor if our intentions consisted only of the proposed (my terminology). Nevertheless, her criterion of “why-questions” likewise shows that this impoverished action is also still intentional. Cf. Anscombe, 1957, §§20 ff.

61 This should not be confused with the rejection of a certain description of the act. “Oh, I did not know that my act was of that type!” is not a complete rejection of the why-question, as much as “That’s just what I wanted to do!” is a complete rejection of this question. Both admit that the act was intentional. In the latter case, one simply refuses to deliver wide-ranging justifications.

62 Michelet 1828, p. 46. Shortly before this, he had shown that “in purposive action, the following moments” (p. 45) can be distinguished: “discussion,” “decision,” and “the desire or the striving to carry them out” (ibid.). It is important here that the decision guarantee the being-for-self of subjective freedom, so that actually one must speak of actions that can be attributed. The question remains open, though, as to whether “discussion” is always necessary. Habit can also play a role without the agent’s becoming thereby unfree. The problem arises here again of the evaluation of ethical action; traditional, unexamined, and unexaminable action should be distinguished from actions that spring from a character that the agent has developed in the course of his life-history. On the ambivalence of “habit,” cf. Merker 1990.

Without examining Hegel's attempt to justify speculatively the higher form of freedom from the conceptual structure of the I (cf. R §118R), we can see that our self-understanding as agents includes the wide-ranging competence of self-ascription. For that reason, the second kind of "right of action" or "right of intention" is especially important here. We expect an intelligent agent to be competent enough to include in his knowing and willing the far-reaching consequences of his act. We further assume, as a rule, that intentions are followed in actions. The right of intention with regard "to the subject as a thinking being" (R §120R) is therefore a claim of other subjects on the agent. We make this claim since in normal cases a certain measure of knowledge, be it about the composition of the action-situation or about social matters, is available to the agent. Hegel formulates the claim as the "right of intention on the thinking person, to know the nature of the action" (R §120R), but this right designates first a societal norm that is imposed on the agent's act.<sup>63</sup> The status of this assumed knowledge is clear in a statement in which Hegel explains that this knowledge is assumed even if the agent does not actively use it at the time of the action:

Even if this specific action – murder – was not also in this moment consciously available in the purpose – yet he knows that it lies in such behavior." (R §120R)

This agent did not want to exemplify the action-type "murder" with his act, but nonetheless he had in principle the knowledge and the ability to see in his deed such an exemplification. This kind of assumption stems of course from expectations that are held by other subjects.

As a whole, it is clear that the everyday concept of intentional, attributable action contains both proposing and intending (in the sense of the terminology introduced here). Without reconstructing the speculative deduction Hegel uses to ground conceptually the necessity of both these forms, it is clear that Hegel's elucidations can capture and analyze conceptually an important differentiation within our descriptive and evaluative praxes. His distinction between two kinds of judgment also provides the conceptual tools for capturing this differentiation. One can therefore recognize his elucidations as materially correct and

63 These norms are of course individual, yet they are in the first place social standards, and ones that can change. Thus, for example, the dimension "environmental pollution" is a quality of actions whose observance we have come to see as self-evident, so that violations are assessed as thoughtlessness or even negligence. Thirty years ago that was not the case.

justified, even if one is not ready to accept his claim of a speculative justification of the necessity of these two “shapes” of subjective freedom.<sup>64</sup>

(III) ACTIONS AS MEANS TO AN END. The form of intention makes it possible, according to Hegel, for the agent to understand his act as the means to the realization of an end (of an intention). Hegel’s statement that only with intention is the content as such first posited follows from his determination of J-R:

It is in the judgment of reflection that we first have, strictly speaking, a *determinate content*, that is, a content as such (...). In the judgment of existence, the content is merely an immediate, or abstract, indeterminate content. (LII 286, M 643)

The capacity to understand the exemplification relationship makes it possible for the agent to posit his willing in the form of an end. This relationship is evident in his knowledge that the “external action [is] only a means” (R §120R) to the realization of an action-type (of the intention). This intention is therefore the reason for the occurrence of an action-event,<sup>65</sup> a reason that the agent can give, if asked, after the action. Due to the already analyzed exemplification relationship, and through the description of an event in light of the intention followed in it, this concrete singular thing with infinitely many features is reduced to an “essential” feature: Being a means for the realization of the intention of the agent. Since it is self-evident that such a description can only be “actual” through the recognition of a subject, it is clear that an action thus described is “subject to assessment” (R §124R).<sup>66</sup>

The locution of “assessment” contains the double meaning I analyzed earlier in terms of theoretical and practical validity-claims. When an assessor agrees that the means-end relation is correctly asserted by the agent, he only claims thereby that such an event can count as the exemplification of such an intention. This assessment simply demands the common rationality that consists in applying the means-end relation.

64 Hegel’s action-theory can also register the theses of action-plan theory, according to which our concept of action always demands that we grasp the action-event as part of a comprehensive plan of action. Taking off from the work of Goldman 1970, both Myles Brand (in Brand 1984 and 1986) and Michael Bratman (in Bratman 1983 and 1989) have pointed to this connection. Action-plan theory also attempts to analyze these action-plans as psychological states.

65 This should not be confused with the thesis that the intention is also the cause. On this question, cf. the concluding remarks.

66 This too is not an argument against the possibility of a solipsistic agent. He himself can – at a time after the completion of the action – take on the role of the assessor.

This assessment is normative only in the sense that the assumed common knowledge represents a norm. We must clearly distinguish from this kind of assessment the assessment in which another subject recognizes the intention of the agent himself.

The first assessment has the form of a hypothetical judgment ("If one intends B-ness, then this action-event is the appropriate means"), whereas the second assessment is aimed at the intention itself ("To will B-ness is plausible, good, desirable, normal, and so on,"). There is, though, an intermediate form of assessment of actions and intentions that includes both types of assessment. These are the assessments in which one disputes the fact that the event is an adequate exemplification of the intention. The claim is that the event is not adequate, because with the occurrence of the event, another action-type, C-ness, which the assessor does not accept ("To will C-ness is implausible, evil, etc.) is simultaneously exemplified. This assessment can take two forms: Either one disputes the idea that the agent can meaningfully will B-ness and C-ness together, or one insists that it is more important not to realize C-ness than to realize B-ness. The first judgment addresses the rationality of the agent with the argument that he must reconsider once more his asserted means-end relationship. The second judgment, on the contrary, is a value judgment, and does not address the means-end relationship itself.

These explanations show two things. First, Hegel's thesis that the means-end relationship can play a role only when the agent wants to realize intentions with his act, is trivially true. For Hegel's determination of the proposing does not permit relationships to be registered (they are not "posited"). The means-end relationship, though, is a relationship that the agent himself applies, and that therefore must be "explicit" ("posited") in his willing. More importantly, however, this capacity enables the agent to follow more than just particular goals. The various kinds of assessment that have just been sketched show that an agent with means-end rationality at his disposal is in a position to relate his various intentions to each other. It also shows that he is bound to do this, since with the occurrence of an action-event, more is always exemplified than one action-type. Conflicts that can appear in this connection compel the agent to establish a hierarchy of his intentions. On the other hand, the capacity for such considerations also enables a higher degree of freedom, since the agent can integrate into the object of his will the long-term and mediating consequences of his act.

This progression allows Hegel to make the transition to the content of the action (the intentions) after he has developed the form of intention. The question of long-term and more complex goals of action first becomes meaningful after it has been shown that rational agents not only orient their willing to the occurrence of an event with specific concrete features, but also register relationships that “essentially” belong to the event as an exemplification of an action-type. But these relationships stand – as abstract objects – in relationships to each other that are only available to an agent “as a thinking being.” The complex capacities therefore imply a higher degree of freedom and responsibility corresponding to our self-understanding as rational actors. It is also clear that evaluations of intentions likewise presuppose that an agent can describe his act in light of his intentions. The capacity to be a moral agent is therefore dependent on the agent’s competence in this regard. In the next chapter, I take up the question of whether the capacity to see the realization of intentions in his act already implies the specifically moral dimension, or whether Hegel’s elucidations of the concept of action only imply the rational agent.



## THE CONTENT OF THE ACTION

In this concluding chapter, I will pursue two questions. First (in Section 5.1), I look at the statements in which Hegel addresses the content of actions. My underlying thesis is that Hegel's connection of "intention" and "welfare" is plausible even if one is not ready to go along with the speculative transition from form to content. As I discussed in the last chapter, Hegel provides, with his analysis of "intention," the action-theoretic basis that enables him to unfold the freedom of action that is normally called instrumental or *means-end rationality*. I take as my starting point the claim that this freedom belongs to the concept of attributable action. Since the issue at hand is Hegel's theory of action, in this first section I only interpret those concepts that Hegel deems necessary to the concept of action. I will therefore not discuss the fact that with these concepts Hegel also depicts and grounds a certain conception of ethics – namely, the *doctrine of happiness*.

The second question I will discuss in this chapter is the connection of rational action and the moral attitude.<sup>1</sup> I have already argued (in Chapter 3) that in the Morality chapter, Hegel not only unfolds his concept of action, but also develops his interpretation of moral philosophy. The question remains open as to whether Hegel asserts an analytic connection between the concept of morality and his concept of action. My *interpretive hypothesis* answers this question in the negative, claiming that Hegel's concept of action does not establish any such connection. Hegel's concept of action is not bound to the thesis that action always implies the possession of a moral attitude. In Section 5.2, I will therefore *not* present Hegel's theory of morality; rather, I will introduce

<sup>1</sup> I understand by the moral attitude the conscious recognition of, or disdain for, other concrete subjects' legitimate interests for their own sake.

arguments that support the thesis that Hegel's theory of action has in itself no implications for moral philosophy. The concept that establishes the connection between subjective freedom and moral attitude in the Morality chapter is the concept of *autonomy*. Hegel's concept of the autonomy of reason, not his concept of action, allows him to connect – analytically – subjective freedom with the moral attitude. I will not, however, further problematize the concept of autonomy in this study.

### 5.1 The Contents of the Action

Hegel developed his theory of action in such a way that his statements about the content of action refer to questions from ethics and the philosophy of right. Nevertheless, one can also take from these arguments the fundamental concepts that Hegel thinks belong to the concept of action, since they belong to every content of action. Whereas I have until now set aside the question of the content of actions, the analysis of the determination of the logical form of intention now allows us to inquire into the specific rationality that is ascribed to the rational agent.

I will first present the determinations that belong to every content of an action (Section 5.1.1). These determinations belong to the concept of action as an expression of the subjective will. In a second step (Section 5.1.2), I will outline the specific rationality of human action that results from the form of intention. I will interpret subjective freedom as freedom of choice, and the universality displayed therein as the “universality of reflection.” In the concluding, third step (Section 5.1.3), I will investigate the ways in which the interests and welfare of other subjects are involved in this freedom of the rational agent.

*5.1.1 The Moments of the Action-Content.* An action's intention, viewed according to its content, is the “particular” end that the agent wants to realize with his act. Hegel calls this end the “particular content” (R §121), since it expresses the interest of an individual agent. It also follows that “This particular aspect gives the action its subjective value and interest for me” (R §122). Each act has for its content an end that has a “subjective worth” for the agent; each action documents the agent's interest in the end – namely, to realize that end. It belongs to the concept of action that the pursued end exhibits for the agent himself a value that the agent has an interest in realizing.

That the action-content portrays a value for the acting subject, and that the subject has an interest in realizing this subjective end, is something that can be said of each action-content. This statement's universality claim should not, though, be understood to mean that the determinate content is generally so constituted that it exhibits a value for the acting individual. It depends on the concrete situation as to whether an agent has an interest in the realization of a determinate content and whether the agent connects a subjective value with it.<sup>2</sup> The conceptual connection should therefore be formulated in the following way:

For each individual act the following holds: When an agent wants to realize a specific end with his act, then at this point in time he attaches to the content a subjective value and is interested in the realization of this content.

In the marginal notes to §118, in which Hegel elucidates the meaning of the concept of action for drama, he formulates another principle that likewise belongs to the concept of action. He says there that one "cannot directly will" (R §118R) one's own "suffering," "something negative" for the agent. This should be understood to mean that one cannot will a content when it is not desirable for a self. "That which is aimed at" in the action, that to which the interest is applied, is always something positive, a value for the acting subject.<sup>3</sup> An agent can indirectly will suffering when he either can reach another good thereby, or he sees something positive in the suffering. In the second case, the negative itself is, in the concrete case, made into something positive for the agent, whereas in the first case, the negative is not what is willed in the intention.

What is willed (the content of the intention) is, as Hegel explains, the "welfare" of the agent, or his "happiness" (R §123). Welfare is the condition of "satisfaction" (*ibid.*), finding one's interest fulfilled in the realization of the end. This welfare is concretely determined in each case as the satisfaction of a concrete volition, just as happiness too consists, in each individual action, in the concrete satisfaction of a concrete need.

<sup>2</sup> The "mixed actions" in Aristotle are, for example, cases in which an agent, because of certain circumstances, attaches importance to a content and has an interest in its realization. Under other circumstances, he would not have done so.

<sup>3</sup> Hegel views this as a conceptual truth, not as an empirical truth. Our concept of the good is such that it is analytically contained in the concept of volition. Cf. R §140(d).

Hegel now explains the origin of the contents that are realized through the interested activity of the agent (Hegel's emphasis):

But the as yet abstract and formal freedom of subjectivity has a more determinate content only in its *natural subjective existence*,<sup>4</sup> – its needs, inclinations, passions, opinions, fancies, etc. (R §123)

This statement is clearly Hegel's attempt to provide the most universal determinations possible regarding the content of actions. Besides the determinations already introduced (subjective value, interest in the realization, satisfaction), one can only refer, for the content of actions, to the subject of action himself. His needs and passions, on the one hand, and his opinions and ideas, on the other, are the sources from which the content of action must be created. They are the material to which a description of an act recurs when the act is described as an action.<sup>4</sup>

On the whole, therefore, we can say little that is concrete about the content of all actions. At the time of the act, each content of a concrete action-implementation possesses the feature of embodying a subjective value for the agent, a value he has an interest in realizing because it serves his welfare. But where exactly one finds one's welfare, and what one attaches subjective value to, remain dependent on the convictions and needs of each individual subject. When one characterizes an act as the realization of such a subjective end, one provides a description that in a certain sense *rationalizes* the occurrence.<sup>5</sup> One reveals the needs and beliefs on account of which the act was desirable for the agent. Yet one does not thereby justify an agent's actually having this end, but rather one endorses only the following statement: Because he has this content and this belief, it is rational for him to carry out this act. This justification, which is contained in each description of an act as action (because it connects the occurrence with the wishes and beliefs of the agent), is nonetheless only weak. The rationality attributed to the agent remains limited to the relationship of individual content and concrete act.

But, as Hegel showed in the analysis of "intention," the form of this willing makes possible a more complex rationality. This rationality is evident in the concepts "welfare" and "happiness," which do not only designate the immediate satisfaction of the individual, but rather also

<sup>4</sup> Compare on this point the construction of the "primary reason" in Davidson 1985, p. 22.

<sup>5</sup> I take the concept of rationalization from Davidson.

can mean a totality of intentions and their satisfaction. In ascribing to a thinking subject not only the capacity for the realization of his immediate interests, but also the capacity to coordinate the plurality of his ends, we presume freedom of choice and instrumental rationality.

*5.1.2 The Rationality of Action.* Though Hegel had conceptually allowed action without intention when he determined the boundary of attribution, at the same time he also introduced the right of intention and the right of objectivity as *normative* standards to which the rational action must conform. In the paragraphs in which he develops the most universal determinations of the content of actions, Hegel reminds us once more that actions generally presuppose the thinking will, and intentions are marked out by a “formal universality” (R §123R).

Viewed in terms of its content, an intention is something “particular” in a double sense: First, it is the particular end of a particular individual subject, and, second, it is an individual concrete content. But viewed in terms of its form, the intention is universal. It possesses not only the universality that, as propositional content, it shares with the purpose, but as “a judgment of reflection” it also explicitly has the form of universality (is posited for the agent). As “that which is aimed at” in the act, the content of the intention establishes those features that the agent wants to realize. For that reason, for him

the immediate character of the action in its further content is reduced to a means. In so far as such an end is a finite one, it may in turn be reduced to a means to some further intention, and so on in an infinite progression. (R §122)

The agent with access to ends in the form of intentions is in a position to arrange his act within more complex contexts, and can pursue with his act far-ranging intentions. Since his willing is not only oriented to the immediate individual actions, he can also coordinate his various ends with one another. An agent who was always oriented only by the next action-event – such as the agent who simply strives for the purpose – would not at all be, in terms of cognitive ability, in a position to pursue complex aims.<sup>6</sup> But normally we are in a position to know and will such larger contexts. The concepts “welfare” and “happiness” thus have a

6 Perhaps one can compare this agent with the chess player who always plans only his next move. But this is in fact an analogy that already reaches too far, since this player must at least have the overall aim of the game in mind.

meaning that is not exhausted in the immediate, so to speak punctual, satisfaction of needs. With welfare we normally understand the entire condition of an individual over a long period of time. Happiness too is understood in the sense of a successful life in that the individual succeeds in reaching a maximum of his goals. These concepts are thus also the most abstract contents of intentions, standing at the end of the chain of descriptions in which “that which is aimed at” in the action is expressed. Since each content depicts a welfare for the agent, his welfare is the most abstract measure to which his act will always contribute. Further, since each act has his satisfaction as its aim, the most abstract goal, to which each act should contribute, is the universal satisfaction of all needs – happiness.

Unfortunately, reaching this happiness and welfare is not so simple. Conflicting wishes and the opposition of short-term welfare and long-term harm mean that the strategy only oriented to the moment – such as striving only according to a purpose – is, as a rule, not especially successful. Our everyday concept of rational action also assumes that the agent is in a position to weigh his various ends against each other, to factor into his deliberation the long-term consequences of his act, and to recognize mutually exclusive combinations of ends as not realizable. For all of this, he must be in a position to comprehend the universal form that his ends have as intentions.

In giving the source of the possible content of actions, Hegel spoke of “natural subjective existence<sub>n</sub>” (R §123). He refines this in two respects.<sup>7</sup> He elucidates the role that the natural will plays within the subjective will:

Here therefore inclinations, drives, content – but not merely in a natural, savage way – his drives let go, to be determined by desire, inclination as such – unbridled like wild things, brutes – but rather that I conduct myself as reflected into myself – formal universality. (R §123R)

Although the content of the subjective will can only originate from the “natural subjective existence<sub>n</sub>” (R §123) of the agent, he still may not be identified with the natural will as it is present, say, in animals. I have already discussed the difference that Hegel indicates here once more. Human action is always accompanied by an interpretive perspective on one’s own act. In this accompanying knowledge of action, whose form Hegel outlined in §110 of the *Philosophy of Right*, the knowledge of one’s

<sup>7</sup> Cf. on this point Amengual 1990.

own freedom of decision is also implied. For that reason, the contents of the subjective will no longer operate “mechanically” – as with the “animal” (R §119R) – but rather are accompanied by the belief that they have been freely chosen. In this knowledge of action, the matter of the act becomes a propositionalized content (given for thinking) that is thereby already universal in nature. But, according to Hegel, this universality does not exhaust the rationality (or “*Vernünftigkeit*”) of the actions of thinking human beings.

These drives [are] related not immediately, but rather to a whole, first to their whole – reflective thinking, welfare, happiness. – Knowledge of them as subordinated. Inhibition of the drive, of naturalness. (R §123R)

Here, the form of universality expressed through the intention comes into play. It does not suffice for the determination of our concept of rational action that we have a certain belief with regard to our act. Rather, we demand a “reflective thinking” wherein the individual drive is unified with a harmonious whole. Hegel obviously starts out from the premise that the natural and subjective will do not stand in an antagonistic relationship to each other; rather, the drives form a system that can be transformed into a rational whole.<sup>8</sup> The rationality that belongs to human action in the form of intentions “fits” into the organic “natural subjective existence<sub>n</sub>” of the agent. For Hegel, it is not a sign of unfreedom when human action has as its goal the realization of the matter of the natural will. Nevertheless, the claim here is only about a *possible* fitting together. A life-plan is also conceivable that as a whole is hierarchically oriented towards one goal, but that does not make possible an actually rational life: for Hegel, an ethical life. The relationship to an ethically rational whole comes into this conception through the normative implications in Hegel’s concept of the will (self-determination, autonomy), not through the rationality implied in the concept of action.

Hegel does think that the concept of action includes the drives’ losing their natural immediacy through “reflective thinking,” and relating to welfare and happiness as “their [own – M.Quante] whole” (ibid.). Through this relationship, the drives are inhibited in the sense that

<sup>8</sup> This thesis contains a major point of his critique of Kant’s picture of the mastery and suppression of the inclinations (cf. on this point Pöggeler 1973, p. 331 f.). Hegel’s interpretation of Kant is certainly not entirely justified. Cf. on that point the interpretation of Willaschek 1992, §4.

they no longer immediately trigger action. Only after deliberation and choice do they become the content of the subjective will. Thus, reflective thinking knows “them as subordinated” (ibid.). The consciousness of freedom – to always be able to will something else – has its origin in this inhibition of the naturalness of the drives.<sup>9</sup>

It thus belongs to the concept of action – as the expression of the subjective will – that in an action, the agent not only immediately realizes an individual content. Rather, the concept of rational action also contains the premise that the agent coordinate the totality of his drives, wishes, and inclination so that he achieves his welfare and his happiness. This is contained in the concept of action because each content is conceptually directed toward the welfare of the agent. But this welfare, as “that which is aimed at” in each action, is not exhausted in the immediate individual satisfaction of contents, but rather also demands that the various contents be organized into a hierarchy and coordinated. Only with this capacity can happiness become the object of the will. Yet the freedom that a rational agent achieves in relating the individual content of his will to a hierarchy of intentions is nothing other than his capacity to pursue long-term success strategies and to avoid positing conflicting ends. This freedom, which demands a certain measure of knowledge about the world and a high skill in judgment, is desirable for subjects because it allows them to make the universal goal of human action into the object of their willing. Further, since this – at least for Hegel – is a goal that belongs to each subject, this freedom, and the capacities bound up with it, is an achievement that we impose as a norm on rational agents and their acts. For this reason, Hegel is also justified when he speaks of the “right of intention on the thinking person.” As rational agents, we put our reason into play in order to realize our interests. This is also why we do not view the action with intention as an expanded accountability; rather, we connect action without intention to diminished accountability. Nevertheless, it should be kept in mind

9 A cultivation of the natural needs also belongs to this inhibition. Hegel’s theory of the natural will is also conceived teleologically in the sense that he ascribes to the drives a rational structure – to be system or totality – that the drives can only, however, reach in the subjective will. Here the concept of “*Bildung*” plays an important role. I cannot delve into this topic further here, but it is important to keep in mind that the telos of the system of drives is reached in rational action. Welfare and happiness are the whole corresponding to the drives. Rational action is thereby the place in which the natural and subjective will form a unity. The teleological development beyond that point in the Morality chapter is therefore no longer related to the concept of action.



that action with intention also has only the welfare and the happiness of the individual agent as its end. But Hegel, in the *Philosophy of Right*, moves from the welfare of the agent to the welfare of others. I will now briefly outline the sense in which this move should be taken, in order then to provide the arguments for why Hegel's concept of action does not imply the presence of a moral attitude.

5.1.3 *The Welfare of Others.* Hegel offers a speculative argument for the universal welfare of an individual subject's being further conceptually determined as "the welfare of others" (R §125), and even as "the welfare of all" (ibid.). The "ground" of this speculative development is the relatedness of the "particular content of the welfare" (ibid.) of an individual subject to the universal form of his will as "reflected into itself and infinite" (ibid.). But even if one does not follow Hegel in this "deduction," it is plausible at this point in the conceptual analysis of the concept of action to include the welfare of other subjects in our view.

It is an empirically indisputable fact that in most cases, we, as agents, affect the interests of other subjects with our acts. It does not matter whether this is conceptually necessary or only contingently true, for it remains certain that it is characteristic of human action to be able to thwart or support the plans and intentions of other subjects. Since our action is always oriented toward an intersubjectively accessible world, facts are created through our actions that other agents must take into account in their action-plans. The possibility of cooperation is also an empirical measure affecting our concept of action.

An agent who pursues intentions with his act thereby places his act in larger contexts, and can therefore also foresee the extent to which the possible activities of other subjects are conducive to, or may obstruct, his plans. When the agent also takes into account in his act the extent to which his own act touches the welfare and interests of others, he is in a position to factor into his intentions the reactions and actions of others. He can pursue strategies in which the actions of others are integrated. So too the agent can build on the knowledge that other agents will also be looking out for their welfare and the realization of their interests. To the extent that he relies on this essential feature of their action, he has (as a rule) a reason for certain prognoses about their conduct.

Beyond this possibility of successfully realizing his own goals through the calculated reactions of other subjects, it is a further empirical fact that there are goals of action that make cooperation with other agents

necessary. In many cases, the interests extend to several agents, and the realization of an end promotes the welfare of several individual subjects. For that reason, we should, on balance, follow Hegel when he writes:

My welfare extends itself on its own at once to the welfare of others, since my welfare cannot exist without the welfare of others. (R §126R)

This remark must, I should note, be qualified (in the context of this book) in that this “extension” does not need to be speculatively logical, but rather results “at once” when one analyzes the possibilities and necessities that stem from the ability to form intentions. Hegel himself, who with his remark of course also is thinking concretely of the interdependencies in a society with a division of labor, adds to the just-quoted explanation an important qualification. He says, namely, that this extension of individual welfare to the welfare of others is “thus [only – M. Quante] self-interested” (ibid.). He means that an agent includes the interests of others in his considerations, or cooperates, in order to realize his own interests. This extension of the welfare of the agent to the welfare of others thus does not imply the presence of a moral attitude, since the interests of others are not pursued for their own sake.

This extension of welfare from the welfare of the individual to the welfare of others thus cannot be taken as evidence that Hegel’s concept of action implies the presence of an agent’s moral attitude. In the passage just quoted, Hegel derives the transition to this attitude, to the promotion of the welfare “of others with neglect, sacrifice of mine” (ibid.), from the rationality of the connection just exhibited through various empirical facts. Hegel’s argument there obviously is not repeated in his concept of action. In conclusion, I would like now to introduce arguments that speak for Hegel’s theory of action having no implications for moral philosophy, even though he developed it within the Morality chapter of his *Philosophy of Right*.

## 5.2 Rational Action and Moral Attitude

5.2.1 *The Neutrality of the Concept of Action for Moral Philosophy.* The thesis with which I will conclude runs as follows: *Hegel’s concept of action does not itself imply the presence of a moral attitude in the agent, though Hegel’s concept of autonomy does imply such an attitude.* Hegel does of course develop his concept of action in the Morality chapter of the *Philosophy of Right*. It is also clear that his theory of the will has implications for moral philosophy, for it belongs to the concept of the will that a willing agent

wills the in-and-for-itself good; Hegel even claims that the will – as the substantial will – is this good itself (cf. R §132). Because of these factors, my thesis is certainly in need of explication.

As I discussed at the beginning of the book, Hegel in §113 brings “action” and “expression of the subjective will” so close together that they are extensionally identical. If one now asks why the Morality chapter as a whole, which must be understood as unfolding the concept of the subjective will, has implications for moral philosophy, whereas the concept of action has no such implications, then the implication for moral philosophy must be contained in the meaning of “subjective will.” According to Hegel, it is a result of the conceptual unfolding of the “subjective will” that a moral attitude must be present in an agent. If one assumes with the description of action-events the full sense of “subjective will,” then the events will be relevant to moral philosophy. If one, on the contrary, describes them only with the concepts that for Hegel belong to the concept of “action,” then this connection will not arise.

This means that one can apply Hegel’s concept of action even if one does not accept his theory of the will. His theory of action is applicable to agents who have no “subjective will” in the full Hegelian sense, but rather are simply guided by the instrumental rationality of an absolutely egoistic agent. If one looks in the concept of the subjective will for those elements that extend beyond the concept of action, one finds the concept of self-determination. This is the *telos* of the conceptual development of the subjective will, and therefore of the Morality chapter. It is not, though, the *telos* of those conceptual determinations that constitute the concept of action.

The strategy I will use to demonstrate my thesis is a natural result of this conceptual situation. I will exhibit the differences between the determination of the subjective will and the determination of actions, showing thereby that the latter can be fulfilled independently of the former.

*5.2.2 Three Arguments.* At the beginning of the third section of the *Philosophy of Right*, Hegel introduces “the good” as the “unity of the concept of the will and the particular will” (R §129). Hegel means not the good relative to a particular subject (good for me), but rather the objective good in-itself. The subjective will, which is oriented toward this good as its end, is therefore something that is necessarily willed in-itself by the will. The subjective will wills something that is also good for other subjects. While welfare, which was the goal and end for the rational

agent, remained limited to the particular individual, now the following holds (Hegel's emphasis):

Within this idea, welfare has no validity for itself as the existence<sub>D</sub> of the individual and particular will, but only as *universal* welfare and essentially as *universal in itself*. (R §130)

A subjective will that grasps its act as the realization of this good claims to strive not for his individual welfare, but rather for a universal good that serves the welfare of all (and he pursues it for its own sake). We can therefore establish the idea that the object of the subjective will at the beginning of the third section of the Morality chapter has changed: The individual good (the good for me) is no longer at issue, but rather the in-itself good (the universal good in-itself). This is an end that is not willed for the sake of individual interests, but rather corresponds to the interest of all.

In the marginal notes to the paragraphs in which Hegel introduces the concept of this objective good, he makes clear the difference with the arguments of the preceding paragraphs:

This immediate particular will – in happiness, welfare, as – life – its own universality. (R §129R)

The difference from the newly determined good that has being-in-itself, which Hegel says is “the objective” (ibid.), is clear. To refine this claim, he also adds that “the human being,” when he “reflects on his welfare, [is] no longer – as immediate will” (ibid.). This last statement describes once more the (already discussed) determination that belongs in general to the content of actions. Here is the question to be clarified: Is this in-itself good likewise a determination that necessarily belongs to the content of actions?

According to Hegel, it is “the right of the subjective will” (R §132) that an action be attributed to him in its objective value. When an action is valued in this sense, then it is “the highest right of the subject . . . to know action in its determination of good or evil, legal or illegal” (ibid.). This means that it belongs to the concept of the subjective will to be able to register and evaluate the moral quality of the action. A deficiency in this regard has the effect “of diminishing or subverting their accountability in this respect” (ibid., mod.).<sup>10</sup> The subject has this right because the

10 I cannot pursue here Hegel's thesis that this capacity should be determined as a cognitive measure, since moral judgments can also be true or false (error is possible).

“pure and unconditional self-determination of the will” (R §135) is the origin of this capacity. The “abstract universality” of “autonomy” belongs to the “moral self-consciousness as it is related within itself to itself alone” (ibid.).

Several arguments can be found for why these conceptual determinations do not belong necessarily to the concept of action. The decisive argument is (as Hegel clearly states in his remark referring to the *Nichomachean Ethics*) that the “right of insight into the good” (R §132) should be evaluated differently from the “right of insight with regard to action as such (§117)” (R §132). Hegel explains that a failure of the right of insight with regard to action means that an act “cannot be attributed” (R §140) to an agent, while an error with regard to insight into the good means that the action is “bad” (the latter statement is found in a passage from Aristotle that Hegel quotes in approval). The decisive point is that the moral quality and moral judgment of the agent are not necessary for his act to be an action. The right of knowledge and volition, on the other hand, establishes whether an act is an action at all, and it also establishes the description under which an event can be attributed to an agent as his action.

A second argument supports this point – namely, that the moral attitude “is merely the *formal aspect* of the activity of the will, which, as *this* will, has no distinctive content of its own” (R §137 – Hegel’s emphases), whereas action has the immediate, natural will as content. Precisely because in “moral self-consciousness” (R §135) this content is set aside, the moral attitude cannot be necessary for actions: For action as such, the immediate will is a necessary component.<sup>11</sup> The goal and purpose of action is happiness, which is related to the natural will, whereas the moral attitude is tied to autonomy as the formal self-determination of the subject, since it “abstracts” from the natural will.<sup>12</sup>

The third argument for the thesis that Hegel’s concept of action does not imply the presence of a moral attitude consists in the fact that the concept of freedom undergoes a change. If we describe an actor as an agent, then we assume his freedom of choice; if we evaluate his act as moral, then we assume his autonomy. For actions, arbitrary choice [*Willkür*] or freedom of choice is sufficient (cf. E §§476 ff and R §123), whereas the moral attitude demands “the *pure and unconditional*

11 The “duties” and “virtues” developed by Hegel in ethical life have this feature: “Their basic content is the same” as “the form of drives” (R §150).

12 Cf. on this point Hegel’s elucidations in E §§473–480.

self-determination of the will" (R §135). Rational action requires an agent to rationally coordinate his needs, that he bring his drives into a system and a hierarchy in order to optimally achieve his welfare. But the moral attitude demands that the will be determined only through the form of the will (its self-referentiality). In action, it is admitted that the natural will becomes a content through the "reflective will" (R §123) – Hegel speaks of "taking up" (R §123R). The autonomous will, on the other hand, does not have this content: The in-itself good is "distinct" (R §133) from the content of the natural will as a particular. In the transition from happiness to the in-itself good, the concept of the subject is thus also altered: Whereas in action (as activity oriented to happiness) the "subject [is] not yet universally (good)," but rather is "still concretely determined in itself [in sich]" (R §120R), in the moral attitude "self-consciousness" knows itself "as a consciousness which cannot and should not be compromised by any present and given determination" (R §138).<sup>13</sup>

Beyond these three arguments (the different status of the two rights of insight, the different concepts of freedom, and the altered meaning of "subject"), still further conceptual differences between rational action and moral attitude can be made out.<sup>14</sup> Thus, according to Hegel, the type of judgment changes from action – as "judgment of reflection" – to moral attitude as "judgment of the concept" (R §114R). The "universality" expressed in the judgment also changes, from "formal universality" (R §123) to the "universal which has being in-and-for-itself" (R §125).<sup>15</sup> Further, attribution in the case of the moral quality of the action deals with the character of the agent, whereas attribution in the case of intentional action is directed toward the rationality of the agent. These additional differences demonstrate that Hegel distinguishes between rational action and moral attitude, though I should note that these conceptual distinctions are simply the consequences of the differentiations I discussed earlier as the three decisive arguments.

In summary, one can say that the concept of action refers to concrete subjects who are in a position to coordinate their natural will in a

13 In the marginal notes to §123, Hegel emphasizes twice more that the subject is "in intention determined as particular in itself," that the "I as concrete subject" is presupposed in actions.

14 These arguments do not at any rate rule out the possibility that there is a teleological connection here.

15 The logical progression of universality from the "formality" of the logic of essence to the universality of the logic of the concept is also found in R §114, where Hegel describes the good as "raised to . . . that objectivity which has being in and for itself."

rational way and to pursue intentions with their intentional acts. In addition, they require freedom of choice and the capacity to understand their acts as the realization of their self-chosen ends. The concept of moral attitude, on the other hand, refers to the subjective will as an autonomous will, determining itself from itself, and taking up no content from the outside. This will is universal as the will of rational subjectivity, and that means for Hegel that it has the character of law. Since concrete subjectivity is set aside and no particular content is “taken up,” the positing of ends by the moral will demands the “form of laws and principles” (R §137), a universal validity. Hegel clearly does not arrive at this thesis from his concept of action, but rather from the concept of autonomy. The latter he derives from the form of the subjective will, from its freedom being-for-self. There are moral actions, therefore, only because the will is autonomous and universal; Hegel’s concept of action would remain valid if agents completely lacked this kind of attribution. In this sense, Hegel’s concept of action is “morally neutral.”<sup>16</sup>

5.2.3 *Action and Autonomy.* The explanations given here should be understood as arguments for an *interpretive hypothesis*. They demonstrate that one can separate in Hegel’s theory the determinations that belong to the concept of action, and those determinations that should be ascribed to the subjective will. Hegel’s analysis and this separation should also be endorsed when viewed *systematically*. Only the concept of autonomy is decisive for actions subject to the standard of moral evaluation. Although Hegel’s presentation and critique of morality are shaped by an understanding of Kant that is not without alternatives,<sup>17</sup> the result is correct: The concept of autonomy has implications for

16 This does not hold, by the way, for Hegel’s theory of punishment. It is obviously based on his concept of autonomy. From his concept of action alone, Hegel would only get to a deterrence theory, since this has only individual interest as the basis of motivation. The possibility of “subsuming” the criminal under his own maxim of action is dependent on the lawlike form of this maxim. But the will has this universality not *qua* rational concrete subject, but rather only *qua* autonomous subject. Cf. on this point Primoratz 1986, p. 42 ff.

17 Cf. on this point Willaschek 1992 – Hegel’s line of argument, toward the role of ethical experience and judgment as empirical standards for moral action, is certainly right. His formalism reproach is therefore likewise justified, though it results more from his understanding of Kant than from Kant’s theory. The elucidations of Willaschek at least show that one can interpret Kant’s theory so that it is compatible with Hegel’s insights. Conversely, I believe that the present book shows the places in which Hegel’s position follows that of Kant. The differences, which are perfectly clear, result largely from a divergent emphasis on the different moments of our concept of autonomous action.

moral philosophy. It is, as Hegel's theory also shows, no conceptual contradiction to unfold a concept of action that assumes freedom of choice and free decisions on the part of the agent, without going beyond the standpoint of the rational egoist. Attempts to derive conceptual connections to the moral attitude from the concept of free decision must draw on the concept of autonomy, which itself has a normative character.<sup>18</sup> The concept of a merely goal-directed rational agent is, however, not an inconsistent concept, as long as one understands freedom of action only as freedom of choice (in the sense that a subject always acts in the consciousness of being able to distance himself from a specific content).

It is hardly disputable that our (cultural) self-understanding is shaped by having moral attitudes. We normally understand moral reproaches and conceive of our acts as morally relevant. The thesis I spelled out at the beginning of Section 5.2.1 has therefore only the sense of blocking *one* conceivable way to justify morality: It is not possible from the – descriptively understood – concept of action to derive a (final) argument for the analytic connection of reason and morality. This connection results only when one already conceives of action as autonomous action – that is, conceives of oneself as an autonomously acting subject. But then the concepts at issue are not purely descriptive, but rather involve a self-understanding that goes far beyond the norm of means-end rationality.<sup>19</sup> Whoever wants, though, to establish a conceptual connection between the concept of action and the moral attitude, must assert two things: He must (I) show that the concept of free decision and the consciousness of freedom of action cannot be created through the concept of freedom of choice alone, but rather demand the concept of autonomy. He must then further (II) show that this concept itself contains a component that binds together rational self-determination and the moral attitude.<sup>20</sup>

Hegel himself claimed to have proven this connection. In contrast to Kant, who preserved the moral implications through his equation of freedom of choice with heteronomy, Hegel attempted to demonstrate that freedom of choice and autonomy stand in a teleological

18 This concept results for Hegel, because of his teleological approach, from the concept of the will. For him, autonomy is the *telos* of action *qua* expression of the subjective will.

19 Hegel himself avoids this dichotomy through the teleological character of his ontology, which always contains at the same time normative components (cf. on this point the Concluding Remarks in this book).

20 Cf. on this nexus of problems the contributions in Christman 1989.



relationship. The conceptual structure of freedom of choice contains implications that are realized in autonomy. In order to be able to demonstrate this connection, Hegel must have recourse to his speculative logic, since only the logic allows him to bring concepts and their internal structure into a teleological connection.<sup>21</sup>

<sup>21</sup> In my view, this connection is demonstrated in the *Philosophy of Right* through the dialectical interpretation of the concept "universality." But since this connection is only valid in the context of Hegel's logic, which I cannot justify here, I have avoided analyzing or utilizing these arguments.



## PART III

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### CONCLUDING REMARKS

My concluding remarks consist of two parts: First, I will summarize once more the central results of the investigation, presenting Hegel's theory of action in overview. I will then give a brief summary of a central area of action-theory about which Hegel says nothing in the *Philosophy of Right*: the explanation of action. The question that arises from this research area is which position Hegel adopts with regard to the mind-body problem (a theme that demands a study of its own). I will therefore only sketch briefly the extent to which Hegel's theory of action and his solution of the mind-body problem are *compatible*.

#### (I) Results

For Hegel, actions are "expressions of the subjective will." That is, they are events for which it is essential that they be known under a specific perspective/description. This essential characteristic of action-events distinguishes them from other events. Hegel understands the inner perspective of the agent as an action-specific belief, whose logical form he analyzes (in R §110). He unfolds the self-ascriptive character of the agent's belief and provides the universal determination of the content of this belief: The agent understands his act (at the time of the action) as the realization of a freely chosen end (cf. Chapter 2). At the heart of the theory of action that Hegel develops in the *Philosophy of Right* is the distinction between the action-event and its description; Hegel is clearly aware that action-events are registered as actions only under certain descriptions. He shows that the action *qua* event stands in causal relationships, and that the action *qua* specifically described event is attributable to the agent. This specific description is the one under which the agent's act is intentional (Chapter 4).

Hegel answers the question of attribution with the thesis that the agent's action-specific belief establishes the description under which his act is an "action." Descriptions of an event – with the exception of the specific belief of the agent during the completion of the action – are therefore correctable (Chapter 2). Yet two perspectives must be distinguished here: Viewed from the relationship of inner perspective and action-event, the agent's belief cannot be correctable with regard to the description of his action, since the action is constituted through his belief. This uncorrectability is the locus of "subjective freedom," which for Hegel receives "actuality" in actions (R §124R). But in two other places, the specific action-belief is not unrevisable: First, the agent interprets his own motivational background (Chapter 2). Second, he interprets the created situation as the realization of his subjective end. On both points, the agent can err, and be corrected by others.

Since Hegel starts out from the thesis that the praxis of attribution must refer to the specific action-belief of the agent, he determines the intentionality of the act as essentially cognitive (Chapter 4.2): An act is intentional when a specific action-belief is present, and is described as an intentional act (= action) when it is portrayed in light of this belief.

With "action," Hegel always understands "intentional action," where intentionality demands for him a specific description of an action-event: the recourse to the specific belief of the agent with regard to his act.

Another component of Hegel's position in action-theory is that freedom of action can be analyzed through the concept of freedom of choice, of *Willkür* (Chapter 5). The contents of the action therefore always come from some matter of the natural will, which, however, is brought "into a rational form" by the subjective will (as the will in the narrow sense). "Rational form" means two things: With regard to the individual end, it means the propositionalization that renders, through the representational element, the matter into the content of the will. The content is thus given "for thinking." With regard to the natural will as a whole, "rational form" means that this will is "formed up" to a "system" of drives and needs.

The consciousness of freedom of action contains, according to Hegel, two propositions: The first is that the agent knows his act to be intentional. He acts purposefully because he grasps his act as the realization of a previously chosen end. Further, the consciousness of freedom of action contains the belief of the agent that he is able to choose his end, and could, if necessary, have willed something else. This freedom of choice alone allows the agent to give his natural will a

rational form. The rational agent, Hegel's thesis runs, "interprets" his own motivational background, and strives, through the coordination of his wishes and needs, for maximal welfare and happiness. The specific freedom of action is therefore the means-end rationality of freedom of choice. The agent "knows" his motives and needs "as subordinated" (R §123R); freedom of action also therefore implies the "inhibition of drives, of naturalness" (ibid.). "Intentions" are thus those ends in which the agent ranks his act in the context of his own long-term and wide-ranging ends. Further, intentions are constituted with regard to their form such that their universality allows the agent to include the interests of others. Ends in the form of intention are therefore, according to Hegel, the adequate form of freedom of action and the actualization of the rationality of action.

These, then, are the main points of Hegel's theory of action. As explained in this book, they all belong to the area of justification of action. Hegel himself discusses questions of action-explanation only on the margins. I will now attempt to sketch very briefly his position on this point as well. For one would like not only to know under which description an act is attributable to the agent, but also how the connection between matter and content is constituted. Above all, one would like to know how the relationship between the possession of subjective ends and the occurrence of events should be conceived. Both questions lead to Hegel's theory of the mind-body connection.

## (II) An Overview: Explanations of Action

One expects from a theory of action that it has something to say not only on the theme of the *justification of action* and the related questions of attribution and evaluation, but that it also take up the problem of the *explanation of action*. The question of why a specific action-event took place at a specific point in time, and what role the reasons (Hegel's "subjective ends") play in the process, also interests us, after all. Here the central question is whether reasons can also be causes.<sup>1</sup> I have already noted that Hegel has barely anything to say on this question in the *Philosophy of Right*. This is the case, first, because he developed his concept of action within a philosophy of right. But there is another reason for this fact: Hegel would certainly have claimed to have solved

1 When I speak in the following of causes, I mean them always in the sense of event-causality (*causa efficiens*).

this problem already in his philosophy of subjective spirit and in his logic. I will therefore proceed in the following two steps. In the first step (i), I will interpret Hegel's statements on the problem of action-explanation and link them to the results of this study. Then I will in a second step (ii), outline Hegel's position with regard to the question of whether subjective ends can also be causes. In a concluding, third step (iii), I will sketch a position that is both compatible with Hegel's solution of the mind-body problem, and also allows his theory of action to extend to the realm of action-explanations.

(i) *Who has responsibility for the occurrence of an action-event?* The analyses of the connection of "action" and "deed," and that of "responsibility" and "attribution" (in Section 4.1), has shown that Hegel consistently avoids establishing a causal link between the subjective will and the action-event. When he speaks of the subjective will's "having responsibility," this is always the consequence of an action-event for which the subjective will has responsibility. What remains in need of elucidation is the relationship between the subjective will and the occurrence of this action-event (in my interpretation, the concept "involvement" stands for this relation). If one looks for possible approaches to remove this theoretical lack, a causal theory of action is fully compatible with Hegel's position. Hegel's theory simply excludes the "subjective will" from being the cause for the occurrence of an action-event. This does not imply that the content of the subjective will may not be offered as the cause for the event to be explained.

(ii) *Are Intentions Causes?* In Hegel's *Philosophy of Right*, there is only one passage that suggests that intentions are causes of action-events (Hegel's emphases):

*Intention* the subjective essentiality, of which the action is a consequence. In ( $\alpha$ ) the action has consequences, its universality on it as a whole – ( $\beta$ ) the action *itself* is also *consequence*, according to the determination of externality that it has on it. (R §120R)

Hegel's claim that the action-event (= action in the determination of externality) is a *consequence* of the intention can be interpreted as suggesting a causal theory of action. One must, though, understand "consequence" in the sense of effect, an interpretation that is not entirely compelling. It could even be the opposite: The whole context of Hegel's

theory would lead one *not* to understand consequence here in a causal sense.<sup>2</sup>

In the context of the evaluation of historical events, Hegel criticizes the “psychological view of history” (R §124), in which the “understanding” (ibid.) explains the individual interests of the agents as the actual motives of these historical actions.<sup>3</sup> The locution of the “effective spring [*Triebfeder*] of actions” (ibid.) is used by Hegel to indicate just this psychology of the understanding. This would seem to indicate that he takes the representation behind this view to be theoretically unacceptable. In the *Science of Logic*, Hegel also criticizes the attempt to give causal analyses of history (cf. LII 194). But for the determination of Hegel’s position on the question of whether intentions can also be causes, the following statement appears to be decisive (Hegel’s emphasis):

Further and above all, we must note the *inadmissible application* of the relation of causality to *relations of physico-organic and spiritual life*. (LII 193, M 562)

Already, for the realm of the “physical-organic,” Hegel denies a causal explanation. The relationship of intentions and actions is then simply a special case: Even if one started from the premise that intentions are dispositions of an organism and actions are bodily movements, intentions and actions may not, according to the statement quoted, be connected by means of a causal statement. The reason for this must be found in Hegel’s position on the mind-body problem. I should note that other interpreters of Hegel’s theory of action have held that Hegel’s concept of action itself excludes intentions being causes. Before I come to the third and final part of these concluding remarks, these objections must first be cleared up.

Some interpreters have tried to develop directly from Hegel’s theory of action an argument against the thesis that intentions can be causes. Thus, Taylor<sup>4</sup> claims that Hegel’s theory of action covers the area of action-justification and not the area of action-explanation. Taylor

2 Because of the context, the interpretation that Hegel wants “consequence” in this statement to be understood in the sense of causal consequence is not compelling. Rather, this statement also points to attribution; §118 clearly documents the fact that Hegel does not use the term “consequence” univocally.

3 Hegel’s reaction to this procedure is also interesting because he does not at all deny that individual ends were in play. But again he applies (implicitly) his theory of the cunning of reason. It is thus possible that through the intentions of the agents, the ends of absolute reason are realized. Cf. on this point Chapter 2 of this book.

4 Cf. on this point Taylor 1983.

assigns these two fields of action-theory to mutually exclusive types of theories, and deduces from the fact that Hegel only examines one field the conclusion that he is an opponent of causal theories of action. Taylor is certainly correct that Hegel holds a “qualitative conception of action” in Taylor’s sense, yet such a conception does not automatically exclude a causal theory of action. The correct fact that the causal theory of action does not register the qualitative aspects of knowledge of action (Taylor’s “agent’s knowledge”) is not an argument for the incompatibility of the two theories. The two approaches deal with different fields of inquiry, and their incompatibility cannot be derived solely from this fact.

Hoffman attempts to make Hegel an opponent of causal theories of action in that he gives to Hegel the (dubious) honor of having anticipated the so-called logical-connection argument. Even though Hoffman sets out his considerations in the context of a study of Hegel’s *Phenomenology of Spirit*, they can be transferred to the context of the *Philosophy of Right*:

When, for example, Hegel analyzes the concept of ‘intention’ while discussing the ‘sciences’ of physiognomy and phrenology in the *Phenomenology of Mind*, the main argument he employs is clearly applicable to the traditional view of volitions. The argument anticipates much of what can be found in contemporary philosophy of mind. Since we cannot identify and describe intention independently of the action which manifests it, intention cannot be construed as a distinct mental event occurring independently of the action. Intention is in the action; both the occurrence and the meaning of the intention are to be found only in the performance of the agent. By the same token, talk about volitions can only be employed in reference to particular ways of acting in the public world. For Hegel, then, the exercise of one’s will is inseparable from one’s behaviour and performance.<sup>5</sup>

As far as I can see, Hegel still maintained the critique of the “sciences” of physiognomy and phrenology at the time of the composition of the *Philosophy of Right*. Yet the argument that Hoffman attributes to him is one that he does not hold in the later work. It certainly does hold for the *Philosophy of Right* that intention “does not remain inward,” but rather is “*given with the action itself*” (R §124R – Hegel’s emphasis).

<sup>5</sup> Hoffman 1982, p. 193. If Hoffman were to hold the thesis that Hegel’s position changed in the *Philosophy of Right*, then my argument would not apply to him. Nonetheless it is helpful to defeat this argument if it is supposed to hold for the *Philosophy of Right*.



Yet Hegel in this passage is simply opposing any attempt to evaluate the character of a subject according to intentions that have never been documented in actions. It does not at all follow, though, that Hegel must deny the existence of intentions as mental states. For Hegel, it suffices that this private state does not constitute the moral worth of a subject; he can, despite this, affirm the existence of such states. His locution of “play around with intentions in interiority” (ibid.) even suggests that he entertains the possibility of intentions existing as mental states even independently of the actions that realize them.

If it reproduced Hegel’s position, Hoffman’s picture would be comparable to the argument of logical connection. According to this argument, the relation of event-causality can only exist between events that are independent of each other. But since intention and action-event cannot be described independently of each other, it is impossible that such a causal relation exists between them. Davidson has shown that this argument is unsound: Even if one admits that actions and intentions cannot be described independently of one another, it does not follow automatically that the described entities are nevertheless not ontologically independent.

Hegel’s theory, as it has been interpreted here, can be fully united with Davidson’s result, since Hegel also clearly holds apart the event-character and the description-aspect. This was the result of the analyses of the relations “having responsibility” and “attribution” (in Section 4.1).

(iii) *Hegel’s Treatment of the Mind-Body Problem: A Sketch.* Next to the question of the meaning of Hegel’s idealism, the other decisive question for Hegel’s view on a causal theory of action is his position in the dispute over the correct theory of the mind-body relationship. Connections between the Hegelian treatment of the mind-body problem and current positions in the philosophy of mind have already been discussed several times in the literature.<sup>6</sup> The interpreters agree on two points: Hegel holds a monistic position without being an eliminative materialist, and he disputes the causal dependency of the mental on the physical. With regard to the connection on the ontological level, the thesis of the emergence of the mental is favored for characterizing

6 Cf. on this point Elder 1981, Chapter 4; DeVries 1988, p. 33-46 and Wolff 1991 and 1992.

Hegel's position.<sup>7</sup> Wolff showed in his commentary on §389 of the *Encyclopedia* that Hegel *dissolves* the mind-body problem: It only exists for him when one commits a category mistake. Hegel explains:

The question of the immateriality of the soul has no interest, except where, on the one hand, matter is regarded as something true, and mind conceived as a thing, on the other. (E §389)

Hegel clearly wants to deny material a certain status: It is not "something true." He also disputes the notion that one can conceive of spirit "as a thing." But if one does not do this, then the question of the immateriality of the soul no longer has any "interest." Further, he writes in the paragraph central for this question:

A cognate question is that of the community of soul and body. This community was assumed as a fact, and the only problem was how to comprehend it. The usual answer, perhaps, was to call it an incomprehensible mystery; and, indeed, if we presuppose that they are absolutely antithetical and absolutely independent, they are as impenetrable to each other as one piece of matter to another. (ibid., mod.)

Hegel clearly follows the strategy here of dissolving the problem by demonstrating an error in the question. He comes to the position that the conceptual frameworks of philosophy of nature and philosophy of mind are not commensurable. The conceptual framework of material (and also the category "thing") cannot be applied to mind. This treatment of the mind-body problem can be rendered comprehensible when one starts from the premise that Hegel maintains a description-relativism: Characteristics belong to an X only relative to a conceptual framework (language). This also explains why "life" can already be discussed at the end of the philosophy of nature, whereas "soul" is first introduced at the beginning of the philosophy of spirit. At issue is a change in the language of description, which demonstrates new and emergent characteristics of the previously discussed complex systems. Describing organisms with the conceptual framework of the philosophy of mind, one can show characteristics that the conceptual framework of

7 Borrowing from Nagel 1984, p. 201, I understand here by emergence the assertion that a complex system has characteristics that cannot be reduced in any of the three following ways: (i) they are relationships between the system and something else, (ii) they are characteristics of the components of the system, (iii) they are characteristics of the relationships that exist between the components of the system.

the philosophy of nature cannot register.<sup>8</sup> But there can of course also be characteristics that remain constant with the change in the language of description. Interestingly, the ontological status of being “finite” belongs to that class.<sup>9</sup>

Applying these results to Hegel’s theory of action, one sees that its basic ideas are thoroughly compatible with a theory type such as Davidson’s anomalous monism.<sup>10</sup> Hegel’s critique of the psychology of the understanding and of the application of causal explanations in the philosophy of history can be conceived of as a denial of nomological connections between diverse languages of description. Historical processes, for example, possess qualities that cannot be registered in this way (through causal explanations). Of course, actions also possess qualities that cannot be registered by a description given in terms of the concepts of causal explanation. But from that fact alone it does not automatically follow that the thesis of token-identity is excluded.

Here it is interesting to note that the result of the analysis of the distinctiveness of the expressions of the subjective will (in Chapter 2) was that at the basis of action lies the purposive activity of the organism.<sup>11</sup> This suggests that Hegel wants to indicate emergent characteristics that a will possesses in becoming more complex. Viewed ontologically, the underlying complex systems (organisms) cannot be independent of one another. Under the set of all organisms there is a subset whose expressions have certain qualities that can only be captured when one describes the expressions as actions. That does not rule out, however, also registering these expressions as natural processes.

The solution I am suggesting – of making Hegel’s theory of action compatible with the project of causal explanation – succeeds if one attributes a Davidsonian position to him: There is a token-identity, but

8 For the brief sketch that I want to give here, the insight – certainly correct – of DeVries, that Hegel also distinguishes different languages of description within the philosophy of nature and the philosophy of spirit, is irrelevant. For the problem at issue here, the decisive transition is that between the philosophy of nature and the philosophy of spirit.

9 Cf. on this point Elder 1981, p. 64 (Remark 8).

10 Davidson (1985, Chapter 11) developed this position in his article “Mental Events.” The theory is that there are no nomological correlations between the languages of description of physics and of the mental, but that this does not exclude the notion that the basis of both languages lies in the same objects (events). Davidson criticizes the attempt to identify types of physically described events with types of mentally described events (type-identity). According to his view, the thesis of anomalism only admits that a mentally described event is identical with a physically described event (token-identity).

11 Cf. on this point also Planty-Bonjour 1983, p. 25.

no nomological correlations between the various languages of description. This fits Hegel's procedure with regard to the mind-body problem, and can also be reconciled with most of the statements of the *Science of Logic*. For *qua* monism, Hegel's logic holds that all entities are in the onto-theological sense reducible to the Absolute. Actually there is (in an emphatic sense) only the Absolute Idea. With regard to other degrees of being, though, the physical and the spiritual stand on the level of finitude. To play them off ontologically against each other makes no sense.<sup>12</sup> Yet, on two decisive points, Hegel's position must, in my view, be modified.

FIRST MODIFICATION. I have assumed in the reconstruction here that a causal theory of action is compatible with Hegel's views if one can identify actions (in a sense to be specified) with organic purposive activity. This assumes that one either considers organic purposive activity to be itself a causal power, or one assumes that it can be analyzed in terms of causal concepts.<sup>13</sup> For reasons that I cannot go into here, Hegel would not have accepted this suggestion.<sup>14</sup> In the Teleology chapter of the *Science of Logic*, he explicitly criticizes Kant's procedure of only showing the compatibility of mechanical and teleological conceptions of nature (LII 388 f., M 738 f.). Hegel does not consider valid the merely epistemic unification that is necessary for the compatibility suggested earlier. He sees – correctly – an asymmetry in Kant's solution: Kant takes causal explanations to be ontologically fundamental. Against this position, Hegel defends organic purposive activity as an ontologically genuine phenomenon. Against Kant's reduction to a "mere as if," Hegel insists on the equal ontological status.

Beyond this point, Hegel's philosophy of absolute subjectivity also leads to an argument according to which explicitly teleological descriptions document a higher degree of being. This, too, can only be united with my interpretation in a modified form.

SECOND MODIFICATION. Hegel's criterion of "true" description must be understood such that the standard of the true is not simply an ontological criterion, but rather a teleological-ontological criterion containing the normative standard of the self-knowledge of an absolute subject. If one separates this criterion from the question of which

12 Hegel's remarks on the overcoming of other systems of philosophy can also be interpreted along these lines; cf. LII 217, M 580–81.

13 Cf. on this point Davidson 1985, p. 101 f.

14 Cf. on this point the study of German Idealism and the program of a non-mechanistic natural philosophy in Horstmann 1991.

entities possess existence,<sup>15</sup> one can understand Hegel's position to be the following: For our self-understanding as rational beings, describing our acts as actions is unavoidable. We must be able to adopt this standpoint. But the language of description that we use in that standpoint implies that the will can be "immediately" effective in the sensible world. This is the reason why spirit does not admit the opposition of mind and body.<sup>16</sup> Further, this standpoint is – in Hegel's onto-theology – at the same time a "true standpoint," since it involves the application of a conceptual framework that is a higher level on the path of the self-knowing and self-producing absolute. If one does subscribe to this normative standard, then there remains here simply the demand of the unification of both modes of description. I cannot further discuss here the arguments that Hegel gives to show the insufficiency of Kant's solution. They extend not only to the connection of action-theory and the mind-body problem, but to the heart of Hegelian metaphysics.

- 15 The modification suggested here does not reach as deeply into Hegel's philosophy as it at first appears. It should be clear that with his *System*, Hegel in no way wants to deny the existence of individual spatio-temporal entities. His ontological sublations cannot therefore have the sense of a reduction. My suggestion involves distinguishing two levels: On the one level, Hegel pursues the question of the *more true* being, and on the other level, he develops a conceptual framework for the various modes of existence of entities. A sublation on the first level does not automatically entail an ontological negation on the second level.
- 16 One can understand Hegel's dialectical procedure of justification as demonstrating, in his speculative analyses, the rationality of this language of description by providing the structure of its fundamental concepts.

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